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## **CIVIL RULES**

### **LR76-AR00-1        Scope**

A. Pursuant to Ind. Trial Rule 81, the Steuben Circuit Court and the Steuben Superior Court (Court) do hereby adopt the following Local Civil Rules, repealing any Local Civil Rules heretofore promulgated by the Court. These rules do not apply to small claim, domestic relation, traffic infraction or juvenile cases.

### **LR76-AR00-2        Citation**

A. All further reference to the Ind. Trial Rules shall be preceded by the designation T.R. followed by the rule number. These Local Civil Rules shall be cited as L. Civ. R. followed by the rule number.

### **LR76-AR00-3        Case Filings**

By mutual agreement between the Courts the following cases shall be filed in the Court as designated:

A. All probate, adoption or juvenile cases shall be filed in the Steuben Circuit Court.

B. All small claim or traffic infraction cases shall be filed in the Steuben Superior Court. All EV cases shall be filed in the Steuben Superior Court and shall be assigned to small claims under the authority of the magistrate.

C. To the extent permitted by law, all new cases not set forth

above shall be assigned a Court by the Clerk through the Odyssey system on a random draw basis.

**D.** The presiding judge in advance of the filing of any case in the Circuit or Superior Court may consent to the filing of that case only in his Court upon good cause shown.

**E.** In the event that an existing criminal case exists in either the Circuit or Superior Court, subsequent cases shall be filed in the same court.

**LR76-AR00-4          Preparation of Pleadings, Motions and Other Papers**

For the purpose of uniformity, convenience, clarity, and durability, the following requirements shall be observed in the preparation of all pleadings, motions, and other papers:

**A. Spacing of Text.** Except for quotations, which shall be indented and single-spaced, the text of all pleadings, motions, orders, memoranda and other papers shall be double-spaced.

**B. Signature.** Facsimile signatures may be accepted on original documents requiring a signature, at the judge's discretion, facsimile signatures are permitted on copies. All such documents should contain the written signature of the attorney, if any; the printed name; Indiana Attorney Registration Number; the name of the firm, if any, with whom the attorney is associated; address; telephone number; and, designation of the party represented. The following format is recommended:

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JOHN DOE  
Indiana Attorney Number: 1111-45  
DOE, ROE AND SMITH  
Suite 35, Blackacre Building  
Angola, Indiana 46703  
TX: (260) 555-3000  
Attorney for Plaintiff

**LR76-AR00-5      Filing/Service**

**A. Attorney Boxes.** The Court designates the attorney boxes located in the Court office as an alternative suitable means for making service of all legal papers by counsel or by the Clerk.

**LR76-AR00-6      Motions**

**A. Briefs.** All motions filed pursuant to T.R. 12 and T.R. 56 shall be accompanied by separate supporting briefs with citation to appropriate legal authority. An adverse party shall have thirty (30) days after service of the initial brief in which to serve and file an answer brief, and the moving party shall have ten (10) days after service of the answer brief in which to serve and file a reply brief. With regard to all other motions or matters submitted to the Court, and so long as consistent with the Ind. Trial Rules, an adverse party wishing to respond shall do so within ten (10) days after service. The moving party shall have ten (10) days after service of the response within which to reply. Failure to file an answer brief or reply brief within the time prescribed above shall be deemed a waiver of the right to do so.

**B. Oral Arguments.** The granting of a motion for oral argument,

unless required by the Ind. Trial Rules, shall be discretionary with the Court.

**C. Separate Motions and Orders; Service.** Motions shall not be ruled upon unless accompanied by a separate form of order.

**LR76-AR00-7          Withdrawal of Appearance**

**A. Motion, Notice, Waiver.** All withdrawals of appearance shall be in writing and by leave of Court. Except for good cause shown, no Motion to Withdraw shall be granted unless filed within thirty (30) days prior to any scheduled hearing. Permission to withdraw shall be given only after the withdrawing attorney has given the client ten (10) days written notice of his/her intention to withdraw. A copy of the notice of intention to withdraw shall be attached to the motion seeking leave to withdraw. This rule may be waived by the Court if withdrawal is at the written request of the client; accompanied by the appearance of successor counsel; or, for other good cause shown. All withdrawals shall fully comply with the Rules of Professional Conduct, Rule 1.16.

**B. Withdrawal Will Not Effect Continuance.** Withdrawal of counsel, in and of itself, shall not effect a continuance of any pending matter.

**C. Automatic Withdrawal of Appearance.** In Domestic Relation cases, Paternity cases and Criminal cases, an attorney's Appearance in the case shall automatically be deemed to be withdrawn thirty-five (35) days after the conclusion of the pending action, i.e., Final Decree, Modification, Citation, Conviction, or post-conviction or similar final

adjudication. If a new action, i.e., Modification, Citation, revocation or other post-judgment or post-conviction action is filed more than thirty-five (35) days after the conclusion of a prior action, an attorney will need to re-enter his or her Appearance to represent a party in the new action. This automatic withdrawal does not apply in matters involving other civil judgments (collection matters).

**LR76-AR00-8            Removal of Records - Law Library**

**A.** Consistent with the intent of Administrative Rule 10, neither the Case File, Chronological Case Summary, nor contents of the Record of Judgments and Orders shall be removed from the custody of the Court or Clerk.

**B.** Books located in the law library maintained in the Courthouse shall not be removed from the Courthouse, and shall be promptly re-shelved following use.

**LR76-AR00-9            Continuances - Extensions of Time to Answer**

**A. Motion.** In all cases where the parties are represented by counsel, no motion for continuance will be acted upon by the Court unless it is made to appear in the body of the motion that moving counsel has attempted to arrange with opposing counsel a mutually satisfactory date and time to hear the continued matter and the new date and time has been confirmed as available by Court staff. The new date and time should appear in the order tendered to the Court for signature.

If counsel are unable to arrive at a mutually satisfactory date

and time to continue the matter, then, this fact shall be made to appear in the body of the motion and the Court shall then rule upon the merits of the motion.

**B. Time for Filing.** A motion for continuance must be filed as soon after the cause for continuance is discovered, and not later than ten (10) days before hearing or trial, unless the reason for the continuance is shown to have first occurred within that period.

**C. Automatic Extension for Answer.** Provided it is timely filed, the entry of an appearance by a party or counsel in response to a summons in an action that requires an answer shall effect an automatic extension of thirty (30) days from the filing thereof within which to answer or otherwise respond.

**LR76-AR00-10      Discovery**

**A. Commencement and Extensions.** In general, counsel are expected to begin discovery promptly, and shall be granted extensions only upon a showing of diligence and good cause. Notice of compliance with Discovery should NOT be filed with the court.

**B. Interrogatories and Request for Admissions.**  
Interrogatories shall be tailored specifically to the cause in which they are served and numbered consecutively to facilitate response. No party shall serve on any other party more than sixty (60) Interrogatories or more than sixty (60) Request for Admissions (other than those relating to the authenticity or genuineness of documents), including subparagraphs, without leave of Court. Subparagraphs shall relate directly to the subject matter of the Interrogatory or Request

for Admission. Any party desiring to serve additional Interrogatories or Request for Admissions shall first file a written motion with the Court which specifically shows the necessity for additional Interrogatories or Request for Admissions.

**C. Attorney Conference.** Strict compliance with T.R. 26 through 37 is required. The discovery process is intended to be largely self-actuating with minimal court supervision. Therefore, the Court will not rule on motions related to discovery disputes unless moving counsel represents that after personal or telephonic conference, in a good faith effort to resolve differences, counsel are unable to reach accord. If counsel advises the Court, by way of motion or response thereto, that opposing counsel has refused or delayed resolution of the discovery dispute, the Court may, after hearing, impose appropriate sanctions.

**LR76-AR00-11      Pre-Trial Procedure**

**A. Mediation.** All civil plenary and civil tort cases shall be referred to mediation unless waived by the Court.

**B. Pre-Trial Conference.** Upon being advised that mediation was unsuccessful, the Court shall schedule a preliminary pre-trial conference. Each party shall be represented at this conference, which may be telephonic, by an attorney familiar with the case, who shall be prepared to discuss and enter into stipulations concerning:

- (1) a discovery schedule;
- (2) the necessity of further mediation;

- (3) the necessity for amendments to the pleadings;
- (4) time limits for the exchange of preliminary witness and exhibit lists;
- (5) time limits for filing dispositive motions;
- (6) the scheduling of a final pre-trial conference; and,
- (7) the scheduling of the trial date.

**C. Case Management Order.** At the conclusion of the preliminary pre-trial conference, the Court shall enter a Case Management Order setting forth:

- (1) a time limit for completion of discovery;
- (2) any further mediation orders;
- (3) a time limit for joinder of additional parties and amendment of pleadings;
- (4) a time limit for the exchange of a preliminary witness and exhibit list;
- (5) a time limit for filing all pre-trial dispositive motions;
- (6) the scheduling of a final pre-trial conference; and,
- (7) the scheduling of the trial date.

**D. Mandatory Final Pre-Trial Conference.** A final pre-trial conference shall be held in every civil plenary or civil tort case at which each party shall be represented by the attorney who will conduct the trial.

**E. Contents of Proposed Pre-Trial Order.** Counsel shall prepare a proposed pre-trial order which shall be executed by counsel for all parties and filed not later than five (5) days prior to the final pre-trial conference. The proposed final pre-trial order shall set forth the following sequence:

- (1) the jurisdiction of the Court;
- (2) the pleadings raising the issues;
- (3) any motions or other matters requiring action by the Court;
- (4) a concise statement of stipulated facts;
- (5) a concise statement of issues of fact which remain to be litigated;
- (6) a concise statement of issues of law which remain for determination by the Court;
- (7) the plaintiff's contentions;
- (8) the defendant's contentions;
- (9) the plaintiff's list of trial exhibits;
- (10) the defendant's list of trial exhibits;
- (11) the plaintiff's list of trial witnesses, with addresses. Expert witnesses shall be so designated; and,
- (12) the defendant's list of trial witnesses, with addresses. Expert witnesses shall be so designated.

When, for any reason, the final pre-trial order is not executed by all counsel, each counsel shall file no later than three (3) days prior to the final pre-trial conference a written statement of the reasons therefore and accompanied with their proposed final pre-trial order.

**E. Pre-Trial Order.** At the conclusion of the final pre-trial conference, the Court shall enter a final pre-trial order which, when entered, shall control the course of the trial and may not be amended except by order of the Court to prevent manifest injustice.

**F. Proposed Jury Instructions.** Proposed preliminary and final jury instructions, and all motions in limine, shall be filed and

served no later than five (5) days prior to the final pre-trial conference. Instructions covering issues arising at trial which could not reasonably be anticipated in advance of trial may be submitted during the trial. Each instruction shall be accompanied by citations to legal authority.

Written objections to proposed jury instructions shall be submitted to the Court no later than three (3) days before the final pre-trial conference. The written objections shall make reference to the number of the instruction being objected to; state specifically the nature of the objection; and, be accompanied by citations to legal authority.

**G. Sanctions.** Failure of the parties or their attorneys to be prepared for the preliminary pre-trial conference, the final pre-trial conference, or to otherwise comply with this Local Civil Rule, may be sanctioned pursuant to T.R. 16(K).

#### **LR76-AR00-12 Attorney Fee Requests**

**A. Affidavits.** When attorney fees are requested from the opposing party, the requesting attorney shall submit a fee affidavit. The Court shall admit the fee affidavit into evidence subject to cross-examination.

**B. Contents of Affidavit.** The fee affidavit shall state:

- (1) the requested fee and how calculated;
- (2) the amount, to date, counsel has received from all sources; and
- (3) a copy of the written fee contract, if any, shall be attached to the fee affidavit and be deemed a part thereof.

## **DOMESTIC RELATION RULES**

### **LR76-DR-1 Scope**

A. Pursuant to Ind. Trial Rule 81, the Steuben Circuit Court and the Steuben Superior Court (Court) do hereby adopt the following Local Domestic Relation Rules, repealing any Local Domestic Relation Rules heretofore promulgated by the Court.

### **LR76-DR-2 Citation**

A. All further reference to the Ind. Trial Rules shall be preceded by the designation T.R. followed by the rule number. These Local Domestic Relation Rules shall be cited as L. Dom. Rel. R. followed by the rule number.

### **LR76-DR-3 Cooperation**

A. In all proceedings involving custody or parenting time of children, this rule shall require the parties to first utilize cooperative approaches to resolving the dispute, prior to adversarial proceedings.

### **LR76-DR-4 Dissolution of Marriage**

A. **Temporary Restraining Order.** The Court will only in extraordinary circumstances issue an ex parte restraining order, except as permitted by T.R. 65(E). The body of the motion must demonstrate

what efforts have been made to notify the opposing party that an ex parte order will be sought, or why efforts at notification would be futile, and demonstrate why justice demands relief be given without notification to the opposing party.

**B. Provisional Relief Hearing.** If each party is represented by counsel, then counsel shall before the date and time set for hearing on a Motion for Provisional Orders meet and attempt to resolve all provisional matters by way of Agreed Entry. At the beginning of each provisional order hearing counsel will be asked whether this meeting between counsel has occurred. If not, except upon a showing of good cause, counsel will be directed to a conference room and the meeting shall occur forthwith.

On or before the date the Motion for Provisional Orders is set for hearing each party, if applicable, shall file with the Court the Child Support Obligation Worksheet and Parenting Time Credit Worksheet set forth at Appendix 1. If a temporary division of marital assets and/or debts is to be at issue at the hearing, then, each party shall file with the Court the Verified Asset and Expense Statement set forth at Appendix 2.

**C. SUMMARY EXPEDITED HEARING.** The first scheduled provisional order hearing in a DC case regarding custody, parenting time or child support shall be set as a summary hearing, expedited in nature. Counsel shall be fully prepared to advise the Court of all relevant facts which will be necessary for the Court to enter a provisional order. All summary expedited hearings will be held in open court and on the record. All summary expedited hearings involving child support

shall occur within twenty (20) days of filing. These summary expedited hearings are not evidentiary hearings. It shall be the responsibility of counsel to advise the Court if they will need court time for a non-expedited summary provisional order hearing. At the summary expedited hearing, the parties shall also be expected to show compliance with the requirement regarding parent education programs and the requirements of this rule concerning mediation.

**D. Child Support.** All orders establishing or modifying child support shall be effective as of the date the motion for said establishment or modification was filed except for good cause shown. All orders establishing or modifying child support shall be made in accordance with the Indiana Child Support Guidelines established by the Indiana Supreme Court and Ind. Code § 31-16-6-1 or Ind. Code § 31-14-11-2.

**E. Custody Evaluations.** Unless waived by the Court no case involving the issue of contested child custody will be set for final hearing until there is filed with the Court a custodial evaluation prepared by an expert approved by the Court. Upon request, the Court will allocate costs subject to review at final hearing. The written report of the expert shall be deemed admitted into evidence subject to cross-examination. However, no custody evaluation may be conducted, ordered by the Court or requested by any party unless and until cooperative approaches, such as mediation, have been exhausted. Alternate Dispute Resolution funds are available to assist in the cost of ADR custody evaluations.

**F. Property, Indebtedness, and Earnings Disclosure Forms.**

The Court has prepared and makes available to counsel a Property, Indebtedness, and Earnings Disclosure Form as set forth at Appendix 3.

**G. Court Time.** Court time for a final contested hearing on a Petition for Dissolution of Marriage will not be scheduled until a party has fully completed and filed a Property, Indebtedness and Earnings Disclosure Form. Thereafter, the following rules apply:

(1) A copy of said form, when served upon the opposing party, if represented by counsel, shall be deemed to be a Request for Admissions by the opposing party that the information contained on said form is true.

(2) The opposing party shall respond to such Request for Admissions by completing such party's respective portion of the disclosure form and filing same with the Court within thirty (30) days from date of service. The responding party shall make his or her disclosures on a copy of the **SAME FORM** served by the opposing party so that the copy filed with the Court by the responding party contains both parties' disclosures on the same form.

(3) In the event that the party being served with the initial Property, Indebtedness and Earnings Disclosure Form does not, within thirty (30) days from the date of service, file his or her respective portion of the disclosure form, if represented by counsel, the information contained in the Property, Indebtedness and Earnings Disclosure Form then on file shall be deemed to be admitted as fact by all parties.

**H. Parenting Time Schedule.** Unless the Court enters specific orders to the contrary, any order of the Court providing for custody of children shall be deemed to provide, by operation of this rule, for the implementation of parenting time with said child(ren) by the non-custodial parent in accordance with the Indiana Parenting Time Guidelines, that are in existence on the date the order is entered. Subsequent revisions of the Parenting Time Guidelines do not change the parenting time order.

**I. Verified Submission of Child Support Information.** If not previously filed, on or before the date of the final hearing on any Petition for Dissolution of Marriage, Petition to Establish Paternity or Petition to Modify Child Support, the parties shall submit to the Court a completed copy of the Child Support Obligation Worksheet and Parenting Time Credit Worksheet set forth at Appendix 1. All numbers shall be rounded to the nearest whole dollar.

**J. Mandatory Exchange of Information.** Within thirty (30) days after counsel for Respondent enters an appearance, both counsel shall voluntarily exchange the following information for their clients:

- (1) Federal and state income tax returns, with all supporting schedules, for the preceding three (3) years;
- (2) Pay stubs for the preceding four (4) weeks;
- (3) Bank statements showing balances in all accounts as of the date the petition was filed;
- (4) Pension valuations showing those benefits which were vested as of the date of marriage, and, which were vested as of the date of filing the petition;
- (5) Copies of all deeds, mortgages, and land contracts;
- (6) Copies of all real estate and personal property appraisals done within the preceding five (5) years;
- (7) Copies of all financial statements provided to any financial institution within the preceding five (5) years;
- (8) A list of all marital debts showing the name of the creditor, whether the debt is joint or individual, monthly payments, and payoff as of date of filing the petition; and,
- (9) All other relevant information in the party's possession pertaining to custody, support, parenting time or marital assets or marital debts.

**K. Education Program.** In any dissolution, legal separation or paternity case where orders are requested regarding unemancipated children, both parents shall register to attend the Court approved co-parenting program designed to lessen the adverse impact of divorce upon the child(ren). A registration form is attached as Appendix 4.

Counsel for the responding party shall on the date his/her appearance is filed certify to the Court in writing that his/her client has completed the registration form necessary to attend the Court approved parenting program.

A party unrepresented by counsel shall be advised by the Court that he/she must attend the parenting program and be provided with the necessary registration form.

The Clerk of the Steuben Circuit / Superior Court shall distribute to any party the registration form upon the case being filed.

Failure of a party to attend the educational program may result in that party being found in contempt.

**L. Income Withholding Orders.** No divorce settlement agreement or post-divorce modification agreement involving minor children will be approved by the Court unless accompanied by an Income Withholding Order, fully completed, and ready for immediate activation, unless it is made to appear that such would not be in the best interest of the minor child(ren), or is otherwise not required by law. The fact that the parties have joint custody, standing alone, is an insufficient basis not to have in place an Income Withholding Order.

**LR76-DR-5 Mediation**

It is the policy of the Court to refer appropriate custody and parenting time issues to mediation. The Court may excuse from mediation cases that may be inappropriate for mediation, e.g., domestic violence. This policy shall be implemented as follows:

**A. New Divorces and Paternity Proceedings.**

- (1) The Court shall enter a mediation order in every case except if both counsel advise the Court that the parties are negotiating in good faith and a Settlement Agreement appears eminent, or, it is made to appear to the Court that a party has been the subject of domestic violence and mediation would be counter-productive.
- (2) Alternative Dispute Resolution Rule 2 shall govern the conduct of the parties and the mediation process.
- (3) Recognizing that driving long distances can itself present unique problems to successful mediation, the Court will endeavor to make available rooms in the Courthouse within which to conduct the mediation sessions if requested. Zoom mediation is permitted.
- (4) Once a case is referred to mediation, it shall not be set for contested final hearing until, in addition to all other requirements of these Local Domestic Relation Rules being met, the Court receives a written report from the mediator. The report shall advise the Court what, if any, issues have been successfully resolved through mediation. All issues which have been resolved shall be set forth in writing by the mediator, signed by the parties and their counsel, and, shall serve as stipulations of the parties at any contested final hearing.
- (5) As officers of the Court, the attorneys shall explain to their clients the benefits of mediation, all projected costs, including attorney fees, to be anticipated in preparing for and concluding a contested final hearing, and, that the agreement which they make concerning the issues in their case could be more satisfactory to them than one fashioned by the Court following a contested final hearing.

**B. Post-Dissolution.**

- (1) All post-dissolution petitions or counter petitions which seek a modification of child custody shall immediately be referred to mediation.
- (2) Paragraphs A2, A3, A4 and A5 set forth above shall each be applicable to post-dissolution mediation.

## **CRIMINAL RULES**

### **LR76-CR-1 Scope**

A. Pursuant to Ind. Trial Rule 81, the Steuben Circuit Court and the Steuben Superior Court (Court) do hereby adopt the following Local Criminal Rules, repealing any Local Criminal Rules heretofore promulgated by the Court.

### **LR76-CR-2 Citation**

A. All further reference to the Ind. Criminal Rules shall be preceded by the designation Crim. R. followed by the rule number. These Local Criminal Rules may be cited as L. Crim. R. followed by the rule number.

### **LR76-CR-3 Appearance/Waiver**

A. Defendant shall appear in person, and by counsel, if counsel has entered an appearance, at the initial hearing in all felony and misdemeanor cases, subject to Crim. R. 3B.

B. A defendant appearing with counsel may waive appearance at the initial hearing by filing a written waiver signed by defendant and counsel in a misdemeanor case. A form of waiver is set forth at

Appendix 5. A defendant shall appear in person at all subsequent hearings.

**LR76-CR-4 Withdrawal of Appearance**

**A.** In all criminal cases withdrawal of representation of a defendant by counsel shall be done in accordance with the provisions of Ind. Code § 35-36-8-2.

**LR76-CR-5 Pre-Trial Procedures**

**A. Felonies/Misdemeanors.** The initial hearing in criminal cases shall be held before the Magistrate unless otherwise directed by the Circuit or Superior Court.

**B.** At the conclusion of the initial hearing, if a plea of not guilty is entered, the Judicial Officer will set the case for pre-trial conference in the appropriate court and assign the case an omnibus date.

**C.** At the conclusion of the initial hearing, if a valid guilty plea is entered, the Magistrate may adjudicate a conviction and conduct a sentencing hearing as permitted by law and as he/she deems appropriate.

**D.** All misdemeanor cases will be set for bench trial unless the State or defendant complies with the requirements of Crim. R. 22.

**E.** In all cases to be tried to a jury motions in limine and proposed jury instructions, if any, shall be filed with the Court no later than five (5) days prior to trial, except for good cause shown.

**F.** No criminal case, except for good cause shown, will be set for a change of plea hearing unless the defendant first files with the

Court a written motion which seeks leave of Court to withdraw his/her former plea of not guilty and to enter a plea of guilty together with a fully executed copy of the proposed plea agreement.

**LR76-CR-6 Discovery/Character Evidence**

A. In all criminal cases, the State and the defendant shall comply with the terms of the standing Criminal Discovery Order set forth at Appendix 6.

B. All character evidence which the State intends to offer pursuant to Ind. Rules of Evidence 404(b) shall be made available to defendant no later than the date scheduled for the initial pre-trial conference, except for good cause shown.

**LR76-CR-7 Bail Policies and Schedule**

A. All persons charged with a criminal offense, other than murder, or attempted murder, shall be admitted to bail in an amount fixed by the Court and endorsed upon the warrant of arrest.

- B. Persons entitled to bail may be admitted to bail by:
- (1) executing a bail bond with sufficient solvent sureties as required by Ind. Code § 35-33-8; or,
  - (2) depositing cash in an amount equal to the bail; or,
  - (3) providing any other bond or surety as may be approved by the Court.

C. Except where restriction is endorsed on the warrant, or as set forth below, a defendant may be admitted to bail by executing a Personal Appearance Bond with ten percent (10%) Cash Deposit Surety Agreement as set forth at Appendix 7, and depositing with the Clerk

cash equal to ten percent (10%) of the aggregate bail or fifty dollars (\$50.00), whichever is greater. However, a ten percent (10%) cash bond is authorized only when:

- (1) the defendant is a resident of the State of Indiana;
- (2) the defendant is charged with a Class C, Level 3 or lesser crime;
- (3) the defendant has no prior conviction for a felony known to the detaining officer; or,
- (4) the defendant is not charged with a crime of violence involving personal injury.

D. In any case in which a full cash bond or ten percent (10%) cash bond has been deposited:

- (1) The full cash bond or ten percent (10%) cash bond deposit shall be posted by the defendant only and in the defendant's name only and shall be considered a personal asset of the defendant.
- (2) The full cash bond or ten percent (10%) case bond deposit, after final judgment of conviction, shall be applied as follows:
  - (a) payment of the Clerk's administrative fee;
  - (b) payment of public defender fees;
  - (c) payment of fines, court costs, restitution and initial and monthly probation user fees;
  - (d) payment of administrative fees;
  - (e) payment of any other fees as ordered by the Court; and,
  - (f) The balance shall be released to the defendant.

E. Individuals arrested without a warrant may post bail according to the bail schedule set forth below, including a ten percent (10%) cash bond, without being first brought before the Court if the

standards of paragraph C above are satisfied. All other individuals arrested without a warrant shall be brought before the Court no later than the day of arrest if the Court is in session, or, the next day Court is in session following arrest for his/her initial hearing.

**F.** No individual arrested while intoxicated shall be released or brought before the Court until sober.

**G.** Juveniles (individuals under 18 years of age) shall not be held to bail and are to be released to the recognizance of a parent or guardian upon approval of the Court or Probation Officer. Juveniles who are detained shall be brought before the Court for a prompt detention hearing in accordance with law.

**H.** The following bail schedule determines presumptively reasonable bail that shall be set pursuant to paragraph E above for offenses occurring before July 1, 2014. This bail schedule is superseded by bail endorsed upon a warrant or otherwise set by order of the Court.

Murder . . . . .	presumptively not bailable
Class A Felony . . . . .	\$100,000.00
Class B Felony . . . . .	\$ 50,000.00
Class C Felony . . . . .	.\$ 20,000.00
Class D Felony . . . . .	.\$ 5,000.00
Class A Misdemeanor . . . . .	\$ 2,500.00
Class B Misdemeanor . . . . .	\$ 1,000.00
Class C Misdemeanor . . . . .	\$ 500.00

**I.** The following bail schedule determines presumptively reasonable bail that shall be set pursuant to paragraph E above for

offenses occurring on or after July 1, 2014. This bail schedule is superseded by bail endorsed upon a warrant or otherwise set by order of the Court.

Murder . . . . .	presumptively not bailable
Level 1 Felony . . . . .	\$100,000.00
Level 2 Felony . . . . .	\$ 50,000.00
Level 3 Felony . . . . .	.\$ 25,000.00
Level 4 Felony . . . . .	.\$ 10,000.00
Level 5 Felony . . . . .	.\$ 5,000.00
Level 6 Felony . . . . .	.\$ 3,000.00
Class A Misdemeanor . . . . .	\$ 2,500.00
Class B Misdemeanor . . . . .	\$ 1,000.00
Class C Misdemeanor . . . . .	\$ 500.00

**J.** Pursuant to Indiana Code 35-33-8-3.2, a Judicial Officer assessing bail may also require reasonable conditions for bail. The conditions may include:

- (1) Reasonable restrictions on the activities, movements, associations, and residence of a defendant during the period of release.
- (2) A requirement that a defendant be refrained from any direct or indirect contact with an individual.
- (3) Placing a defendant under the reasonable supervision of a probation officer or other appropriate public official.
- (4) Releasing a defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court.

**A.** If a Defendant fails to appear after having been provided notice of the initial hearing date or subsequent hearing dates, he may be defaulted. The Court shall notify the Clerk of the Defendant's failure to appear. The Clerk shall notify the Defendant of the judgment entered, and shall notify the Defendant that he/she must pay the scheduled fine and costs within thirty (30) days. Should the Defendant fail to make the required payment within this thirty (30) day limit, the Clerk shall certify to the Bureau of Motor Vehicles that the Defendant failed to appear and failed to pay any fine and costs, and that the Defendant's driving privileges should be suspended until the fine and costs are paid in full.

**B.** Any judgment so entered may also be sought through a levy of execution, proceedings supplemental or any other method appropriate to the collection of civil judgments.

**C.** All judgments levied by the Court shall be payable in cash, money order or law firm check. Any judgment not paid in the time required is also subject to all statutory interest, late fees or similar fees allowed by law.

**LR76-CR-9                    COMMUNITY CORRECTIONS**

**A.** If a Defendant anticipates serving all or part of his/her executed sentence through Community Corrections he/she should qualify prior to his/her sentencing hearing.

**LR76-CR-10                  PLEA AGREEMENTS**

**A.** Barring extraordinary circumstances, a proposed plea

agreement should be tendered by the State to the Defendant no later than the first pre-trial conference.

**B.** When the Court sets a final pre-trial conference date plea negotiations terminate on the final pre-trial conference\_date.

## **ADMINISTRATIVE RULES**

### **LR76-AR-1 Scope**

**A.** Pursuant to Ind. Trial Rule 81, the Steuben Circuit Court and the Steuben Superior Court (Court) do hereby adopt the following Local Administrative Rules, repealing any Local Administrative Rules heretofore promulgated by the Court.

### **LR76-AR-2 Citation**

**A.** These Local Administrative Rules shall be cited as L. Admn. R. followed by the rule number.

### **LR76-AR-3 Cell Phones/Cameras**

**A.** No cell phones, cameras or recording devices of any nature whatsoever will be permitted into the Courthouse.

**B.** All such devices will be confiscated by security personnel at the front door of the Courthouse, and promptly returned to the owner upon his/her departure from the Courthouse.

**C.** Courthouse employees, law enforcement personnel and members of the Indiana Bar who are identified as such are exempt from the provisions of this Local Administrative Rule.

**LR76-AR1-4 Caseload Allocation Plan**

**A. Criminal, Infraction and Ordinance Violation Cases**

Criminal cases shall be filed pursuant to LR76-CR2.2-1. All infraction and ordinance violation cases shall be assigned to the Superior Court.

**B. Probate and Related Cases**

Estate, Guardianship, Adoption and Trust cases shall be assigned to the Steuben Circuit Court.

**C. Juvenile Cases**

All juvenile cases, including paternity cases, shall be assigned to the Steuben Circuit Court.

**D. Small Claims Cases**

All small claims cases shall be filed to the Steuben Superior Court.

**E. Civil Case Types**

Cases other than those mentioned in the preceding paragraphs upon filing shall be assigned by the Clerk by the Odyssey system based upon a random draw to either Circuit Court or Superior Court. However, nothing in this rule shall prohibit a judge of said court from transferring a case from that Court to the other as allowed by statute, or rule of trial procedure, or to ensure an even distribution of judicial workload between the courts of record in the county.

On or before May 1 of each year the Judge of the Circuit Court and the Judge of the Superior Court shall meet to review the Weighted Caseload Measures statistics as calculated by the Office of Judicial

Administration for the preceding calendar year. The utilization of the two Courts shall be compared and adjustments made as necessary.

**F. Refiled Cases**

Except when a change of venue is necessary, whenever a case is dismissed by action of the originating party, the case, if re-filed, must be assigned to the same court that received the original case.

In cases in which no judge is eligible to serve as special judge or the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, the regular sitting judge may certify the case to the Supreme Court for appointment of a special judge.

**G. Consent to hear cases**

The judge of the Steuben Circuit Court may serve as judge of the Steuben Superior Court and vice versa, with consent of the presiding judge of each respective court.

**LR76-CR2.2-1 Criminal Case Filings**

**A.** All felony cases shall be filed on the basis of random selection, except:

- (1) If an active case or cases exist against the individual to be charged, the new case shall be filed in that court, or
- (2) The prosecuting attorney certifies to the clerk that new filings are "companion cases". Companion cases shall denote cases involving co-defendants or cases arising out of the same or closely related transaction or occurrence, or in any other instance where consideration of the case with others in the same forum is in the interests of judicial economy.

- (3) Where a conflict of interest exists, or other good cause is shown, the presiding judge of either court may permit the filing of that case so as to avoid the conflict.

**B.** Pursuant to Ind. Criminal Rule 2.2(D) and Ind. Criminal Rule 13(C), in the event a change of judge is granted or a disqualification or recusal is entered, the case shall be reassigned as follows:

- (1) Circuit Court: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the Steuben Circuit Court, the case shall be reassigned to the Steuben Superior Court.
- (2) Superior Court: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in the Steuben Superior Court, the case shall be reassigned to the Steuben Circuit Court.
- (3) Alternative: In the event a reassignment cannot be accomplished pursuant to the rules set forth above, then the case will be reassigned on a rotating basis to a Judge or Magistrate in District 6.

**C.** Pursuant to Ind. Criminal Rule 13(D), in the event no judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge.

**LR76-TR79-5      Special Judge Appointments**

**A.** Whenever selection of a special judge is required under Ind. Trial Rule 76 or Ind. Trial Rule 79(H), the following shall be the exclusive method for selecting the special judge.

**B.** Counsel shall within seven (7) days attempt to agree upon the special judge to be appointed. Counsel shall advise the Court in writing of the special judge agreed upon, or, of their inability to

reach agreement.

C. If counsel should be unable to agree upon the appointment of a special judge, the Clerk of the Court shall appoint the special judge from a rotating panel. The panel shall consist of judges and magistrates sitting in Steuben, DeKalb, LaGrange and Noble County.

D. This Local Administrative Rule does not apply to the selection of special judges in criminal cases.

**LR76-JR4-6          Selection of Jurors**

A. The Court utilizes the two (2) tier system for impaneling jurors for trial.

B. Prospective jurors are first notified they have been selected for jury duty and requested to complete and return a juror qualification form. The jury administrator thereafter sends summons for a particular case at least one (1) week before the scheduled start of the trial.

C. In all cases twelve (12) prospective jurors shall be seated in the jury box to commence the voir dire examination.

D. The party having the burden of proof shall conduct the first voir dire examination of the panel.

E. All challenges of prospective jurors shall be made at the close of each completed round of voir dire examination, and strikes shall be submitted in writing by each party, simultaneously, to the judge at the bench.

F. The Court will rule first upon challenges for cause and will then receive peremptory challenges. A peremptory challenge made by a

party shall count against such party's total allowed challenges regardless of whether the other party has also made a peremptory challenge of the same prospective juror.

**G.** A juror who is not removed either for cause or peremptorily on the first occasion for making challenges following the voir dire examination shall be accepted as a juror for the trial by both parties, and may not thereafter be challenged peremptorily, and may be challenged for cause only if such cause is based upon information solicited after the first voir dire examination of the juror.

**H.** Upon the removal of any prospective juror(s) from the panel, additional juror(s) shall be seated to replace the excused juror(s) and voir dire examination of the additional prospective juror(s) shall proceed according to this Rule.

**I.** In all cases where only six (6) jurors, excluding alternate, are to be seated challenges either for cause or peremptorily may be made against any of the twelve (12) prospective jurors. The first six (6) jurors remaining, after challenges, in the order that their names are drawn shall constitute the jury to try the case.

**J.** An alternate juror(s) may be seated in accordance with law, and in the discretion of the Court.

**LR76-AR15-7      Court Reporters**

**A.** Court Reporters have customarily been and shall continue to be paid an annual salary for time spent working under the control and supervision of the Court during any regular working hours, gap hours or overtime hours.

A. Court Reporters shall receive \$5.00 per page as Compensation for County indigent transcript preparation.

C. Court Reporters shall submit claims directly to the County for the preparation of County indigent transcripts.

D. Court Reporters shall receive \$5.00 per page for the preparation of State indigent transcripts.

E. Court Reporters shall receive \$5.00 per page for the preparation of private transcripts.

F. If a Court Reporter is requested to prepare an expedited transcript the fee per page shall be \$7.00, and the transcript shall be prepared within ten (10) working days.

G. Court Reporters shall report at least on an annual basis to the Office of Judicial Administration, on forms prescribed by the Office of Judicial Administration, all transcript fees whether they be County indigent, State indigent or private fees received by said Court Reporter.

H. Court Reporters shall not engage in private practice through the recording of a deposition and/or preparing a deposition transcript. Court Reporters shall have written agreements with the Court which outline the manner in which the Court Reporter is to be compensated for all gap and overtime hours which shall include either direct monetary compensation, or, compensatory time off regular working hours.

**LR76-AR12B-8 Transcript for Appeal**

A. Pursuant to Ind. Appellate Rule 12B the Clerk, at her sole

option, may release to counsel either the original or a copy of the transcript. If a copy of the transcript is provided to counsel, it shall be provided without additional cost to counsel. If the original transcript is released to counsel by the Clerk it shall be returned to the Clerk prior to the expiration of the party's briefing schedule. If counsel should receive an extension of time to file briefs they shall notify the Clerk, in writing, of this fact.

**B.** In non-indigent cases, the Court Reporter shall not commence preparation of the transcript until she has received her initial request for compensation. The Court Reporter shall not release the finished transcript until she has been fully compensated.

## **CIVIL SMALL CLAIM RULES**

### **LR76-SC-1      Service and Appearance**

**A.** Upon failure to obtain adequate service over a party, the party seeking to obtain service shall be granted sixty (60) days to perfect service. Failure to perfect service within such sixty (60) day period may result in the cause or applicable motion being dismissed without prejudice.

**B.** Should a party that is ordered to appear at a proceedings supplemental hearing fail to appear for such hearing, the non-appearing party shall be subject to a Rule to Show Cause (contempt citation) to determine whether a finding of contempt should enter against such party.

C. Bail for a body attachment may be set in cash for the amount of the judgment, or \$1,000.00, whichever is less.

D. If a party is unable to meet the bail endorsed upon the body attachment, that person shall be brought before the Court immediately for a Rule to Show Cause hearing (contempt hearing). The moving party shall also appear, if possible.

**LR76-SC-2            Trial Date**

A. All small claims may be initially set for trial at a time that may be insufficient for an actual trial to take place. Upon entry of an appearance by an attorney for a defendant, upon the filing of a responsive pleading or counter-claim, or upon oral motion for a contested hearing, the cause shall be set for the next available "contested" trial date.

**LR76-SC-3            Collection**

A. The Clerk shall accept no Motions for Proceedings Supplemental for filing less than ten (10) days from the date of judgment, without leave of Court being first obtained.

**LR76-SC-4            Forms**

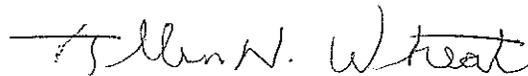
A. **Court Forms:** The Court in conjunction with the Clerk of Circuit and Superior Court has prepared forms for use by parties, the Clerk, and the Court. All parties shall use the forms as drafted. The use of a modified or altered form may result in the pleading or motion

being struck from the record or denied. Copies of the forms, as updated from time to time, can be obtained at the Small Claims Court (55 South Public Square, Angola, Indiana) and on-line at the Steuben County website, [www.co.steuben.in.us](http://www.co.steuben.in.us) or the State website at <https://in.gov/courts/publications/local-rules>.

**B. Signature Line:** All proposed orders and forms requiring the signature of a judicial officer shall have a signature line for "Magistrate, Steuben Superior Court".

Pursuant to Ind. Trial Rule 81, the Steuben Circuit Court and the Steuben Superior Court (Court) do hereby adopt the above and forgoing Local Rules, repealing any Local Rules heretofore promulgated by the Court being in conflict with these Amended Local Rules

ADOPTED THIS 1 DAY OF December, 2022.



Allen N. Wheat, Judge  
Steuben Circuit Court

/S/William C. Fee

William C. Fee, Judge  
Steuben Superior Court

### Worksheet- Child Support Obligation

Each party shall complete that portion of the worksheet that applies to him or her, sign the form and file it with the court. This worksheet is required in proceedings establishing or modifying child support.

IN RE: \_\_\_\_\_

CASE NO: \_\_\_\_\_  
 FATHER: \_\_\_\_\_  
 MOTHER: \_\_\_\_\_

#### CHILD SUPPORT OBLIGATION WORKSHEET (CSOW)

			DOB

1. WEEKLY GROSS INCOME	FATHER	MOTHER
A. Subsequent Children Multiplier Credit (.065 .097 .122 .137 .146 .155 .164 .173)		
B. Child Support (Court Order for Prior Born)		
C. Child Support (Legal Duty for Prior Born)		
D. Maintenance Paid		
E. WEEKLY ADJUSTED INCOME (WAI) Line 1 minus 1A, 1B, 1C and 1D		
2. PERCENTAGE SHARE OF TOTAL WAI	%	%
3. COMBINED WEEKLY ADJUSTED INCOME (Line 1E)		
4. BASIC CHILD SUPPORT OBLIGATION Apply CWAI to Guideline Schedules		
A. Weekly Work-Related Child Care Expense of each parent		
B. Weekly Health Insurance Premium - Total from HIPW, Line 1		
5. TOTAL CHILD SUPPORT OBLIGATION (Line 4 plus 4A and 4B)		
6. PARENT'S CHILD SUPPORT OBLIGATION (Line 2 times Line 5)		
7. ADJUSTMENTS		
)Obligation from Post-Secondary Education Worksheet Line J.	+ _____	+ _____
)Payment of work-related child care by each parent. (Same amount as Line 4A)	_____	_____
)Child(ren)'s Portion of Weekly Health Insurance Premium for parent(s) ordered to provide health insurance.	_____	_____
)Parenting Time Credit	_____	_____

#### 8. RECOMMENDED CHILD SUPPORT OBLIGATION

I affirm under penalties for perjury that the foregoing representations are true.

Father: \_\_\_\_\_

Dated: \_\_\_\_\_ Mother: \_\_\_\_\_

**UNINSURED HEALTH CARE EXPENSE CALCULATION**

A. Custodial Parent Annual Obligation: (CSOW Line 4 Total) \$\_\_\_\_\_ + (PSEW \$Two, line 1) \$\_\_\_\_\_ = \$\_\_\_\_\_ x 52 weeks x .06 = \$\_\_\_\_\_.

B. Balance of Annual Expenses to be Paid: (Line 2) \_\_\_\_\_ % by Father, \_\_\_\_\_ % by Mother.

Appendix 117 /

**Worksheet — Child Support Obligation**

<b>IN RE:</b>	<b>CASE NO:</b>		
	<b>FATHER:</b>		
	<b>MOTHER:</b>		
<b>PARENTING TIME CREDIT WORKSHEET</b>			
<b>Children</b>	<b>DOB</b>	<b>Children</b>	<b>DOB</b>

<b>Line:</b>		
1PT	Enter Annual Number Of Overnights	
2PT	Enter Weekly Basic Child Support Obligation — BCSO (Enter Line 4 from Child Support Worksheet)	
3PT	Enter Total Parenting Time Expenses as a Percentage of the BCSO (Enter Appropriate TOTAL Entry from Table PT)	
4PT	Enter Duplicated Expenses as a Percentage of the BCSO (Enter Appropriate DUPLICATED Entry from Table PT)	
5PT	Parent's Share of Combined Weekly Income (Enter Line 2 from Child Support Worksheet)	
6PT	Average Weekly Total Expenses during Parenting Time (Multiply Line 2PT times Line 3PT)	
7PT	Average Weekly Duplicated Expenses (Multiply Line 2PT times Line 4PT)	
8PT	Parent's Share of Duplicated Expenses (Multiply Line 5PT times Line 7PT)	
9PT	Allowable Expenses during Parenting Time (Line 6PT — Line 8PT)	
	Enter Line 9PT on Line 7 of the Child Support Worksheet as the Parenting Time Credit	

Worksheet — Child Support Obligation

IN RE:		CASE NO:	
		FATHER:	
		MOTHER:	
<b>POST-SECONDARY EDUCATION WORKSHEET (PSEW)</b>			
Child:	DOB		
<b>SECTION ONE: DETERMINATION OF EDUCATION EXPENSE</b>	FATHER	MOTHER	
A. Parents' Percentage Share of Total Weekly Adjusted Income From Line 2 of Child Support Worksheet		%	%
B. Educational Costs			
(1) Tuition			
(2) Room & Board			
(3) Books			
(4) Fees			
(5) Other			
<b>TOTAL EDUCATIONAL COSTS (Part B — Lines 1-5)</b>			
C. Child's Share of Costs			
(1) Scholarships			
(2) Grants in Aid			
(3) Student Loans			
(4) Child's Cash Share			
(5) Other			
<b>TOTAL CREDITS (Part C — Line 1-5))</b>			
D. Parents Total Obligations: Subtract Total Credits From Total Costs			
Parents' Share: Line A x Line D	\$	\$	

<b>SECTION TWO: DETERMINATION OF SUPPORT WHILE STUDENT AT HOME</b>			
E. Weeks Student Lives at Home Divided by 52 =			%
F. Basic Child Support Obligation for All Children, including Student (Apply CWAI from Line 3 of Child Support Worksheet to Guidelines Schedule			
G. Basic Child Support Obligation for Children Living with Custodial Parent from Line 4			
H. Weekly Child Support Obligation Attributable to Student Living Away From Home			
I. Calculation of Support Obligation For Student (Multiply Line H x Line E)			
J. Parent's Weekly Child Support Obligation: (Line A x Line I)	\$	\$	

Line J of section Two will be reflected in Section 7 of the Child Support Worksheet resulting in the Recommended Support Obligation.

STATE OF INDIANA )  
 )SS:  
COUNTY OF STEUBEN )

IN THE STEUBEN CIRCUIT/SUPERIOR COURT

\_\_\_\_\_)  
Petitioner )  
 )  
and )  
 )  
\_\_\_\_\_)  
Respondent )

CAUSE NO.: \_\_\_\_\_

VERIFIED PROVISIONAL ASSET AND EXPENSE STATEMENT

A. Wife wants the following assets temporarily set aside to her:

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B. Husband wants the following assets temporarily set aside to him:

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Appendix 2

C. The parties jointly agree that the monthly marital debts are as follows:

	<u>Creditor</u>	<u>Montly Payment</u>
1. Mortgage 1 (Include taxes and insurance allocated on monthly basis)		
_____ Address		
2. Mortgage 2 (Includes taxes and insurance allocated on monthly basis)		
_____ Address		
3. Auto (Make, model, year) (Include insurance and taxes allocated on monthly basis)		
_____ Address		
4. Auto (Make, model, year) (Include insurance and taxes allocated on monthly basis)		
_____ Address		
5. Auto (Make, model, year) (Include insurance and taxes allocated on monthly basis)		
_____ Address		
6. Rent (marital home) (Include insurance, if any, allocated on monthly basis)		
_____ Address		
7. Land Contract (Include insurance and taxes, if applicable, allocated on monthly basis)		
_____ Address		

8. Mobile Home

(Include lot rent, taxes and insurance allocated on monthly basis)

\_\_\_\_\_

\_\_\_\_\_  
Address

9. Installment Loan  
(Not set forth above)

\_\_\_\_\_

10. Installment Loan (Not set forth above)

\_\_\_\_\_

11. Medical Expense

\_\_\_\_\_

12. Medical Expense

\_\_\_\_\_

13. Medical Expense

\_\_\_\_\_

14. Utility expenses for marital home

a. Gas

\_\_\_\_\_

b. Electric

\_\_\_\_\_

c. Water

\_\_\_\_\_

d. Sewage

\_\_\_\_\_

e. Telephone

\_\_\_\_\_

f. Other \_\_\_\_\_

\_\_\_\_\_

15. Additional marital debts

a. \_\_\_\_\_

\_\_\_\_\_

b. \_\_\_\_\_

\_\_\_\_\_

c. \_\_\_\_\_

\_\_\_\_\_

d. \_\_\_\_\_

\_\_\_\_\_

e. \_\_\_\_\_

\_\_\_\_\_

D. Husband shall answer questions D3, 4, 5, 6, 7 and 8, and questions D1 and 2 if he has left the marital home.

1. Rent or mortgage  
(Include taxes and insurance allocated on monthly basis)

\_\_\_\_\_

\_\_\_\_\_  
Address

2. Utilities

- a. Gas \_\_\_\_\_
- b. Electric \_\_\_\_\_
- c. Water \_\_\_\_\_
- d. Sewage \_\_\_\_\_
- e. Telephone \_\_\_\_\_
- f. other \_\_\_\_\_

3. Food \_\_\_\_\_

4. Clothing \_\_\_\_\_

5. Gas/Oil/Maintenance \_\_\_\_\_

6. Education \_\_\_\_\_

7. Scheduled Medical \_\_\_\_\_

8. Other

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_

E. Wife shall answer questions E3,4,5,6,7 and 8, and questions E1 and 2 if she has left the marital home.

1. Rent or mortgage  
(Include taxes and insurance  
Allocated on monthly basis

\_\_\_\_\_

Address \_\_\_\_\_

2. Utilities

- a. Gas \_\_\_\_\_
- b. Electric \_\_\_\_\_
- c. Water \_\_\_\_\_
- d. Sewage \_\_\_\_\_
- e. Telephone \_\_\_\_\_
- f. Other \_\_\_\_\_

- 3. Food \_\_\_\_\_
- 4. Clothing \_\_\_\_\_
- 5. Gas/Oil/Maintenance \_\_\_\_\_
- 6. Education \_\_\_\_\_
- 7. Scheduled Medical \_\_\_\_\_
- 8. Other
  - a. \_\_\_\_\_
  - b. \_\_\_\_\_
  - c. \_\_\_\_\_

WE AFFIRM UNDER PENALTIES FOR PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

\_\_\_\_\_  
Wife

\_\_\_\_\_  
Husband

STATE OF INDIANA            )  
                                   ) SS:  
 COUNTY OF STEUBEN         )  
 IN RE: THE MARRIAGE OF        )  
                                   )  
 \_\_\_\_\_ )  
                   Petitioner        )  
 and                                )  
                                   )  
 \_\_\_\_\_ )  
                   Respondent        )

IN THE STEUBEN CIRCUIT/SUPERIOR COURT

CAUSE NO. \_\_\_\_\_

PROPERTY, INDEBTEDNESS, AND EARNINGS DISCLOSURE

Comes now Petitioner/Respondent and files Property, Indebtedness, and Earnings Disclosure with the Court.

It is requested that the Court set this cause for trial. It is anticipated that trial of this cause will require \_\_\_\_\_  
(amount of time necessary)

The filing of these disclosures and service of the same upon the opposing party constitutes a request for admissions to the opposing party that the information contained therein is true. In the event that the opposing party does not admit the truth of the allegations contained therein, the opposing party shall, within thirty (30) days from this date, complete such party's respective and corresponding portion of the disclosure form heretofore filed. In the event that the opposing party does not complete his or her respective and corresponding portion of the form within thirty (30) days, the information contained therein shall be deemed to be admitted as fact by the opposing party pursuant to L. Civil R. 9F(3).

Custody of the children (will/will not) be an issue at trial of this cause.

\_\_\_\_\_  
 Attorney for Petitioner/Respondent

CERTIFICATE OF SERVICE

I hereby certify that I did, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, mail or deposit in the Steuben County Courthouse attorney's mailbox a copy of the above document to \_\_\_\_\_



RE: Marriage of: \_\_\_\_\_

Cause No. \_\_\_\_\_

**ASSETS:**

Description	Date acquired ----- Value	Mariner Acquired (Purchased, gift, inherited, etc)	Title H, W, or J	Lien holder and unpaid amount	Husband's Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or W)
					----- Wife's Opinion of Gross Value on date of filing	----- Wife's Proposed Distribution (H or W)
<b>Cash, bank accounts, CD's</b> (Please state location and identifying numbers)						
<b>Stocks and Bonds</b> (Attach copies of certificates)						



RE: Marriage of: \_\_\_\_\_

Cause No. \_\_\_\_\_

**ASSETS:**

Description	Date acquired Value	Manner Acquired (Purchased, gift, inherited, etc)	Title H, W, or J	Lien holder and unpaid amount	Husbands Opinion of Gross Value on date of filing	Husband's Proposed Distribution (H or W)
					Wife's Opinion of Gross Value on date of filing	Wife's Proposed Distribution (H or W)
<b>Retirement accounts and IRA's</b> (List value on date of marriage and date of filing)						
<b>Life Insurance Policies</b> (List all policies even those without cash surrender value)						









RE: Marriage of: \_\_\_\_\_ Cause No. \_\_\_\_\_

INCOME

	Employer	Job Classification	Length of Employment	Rate of Pay	Gross Earnings Per Pay Period	Net Per Pay Period
Husband						
Wife						

OTHER INCOME (SOURCE - AMOUNT)

Husband	
Wife	

I affirm under penalties for perjury that the foregoing representations, and all attachments hereto, are true and correct.

Dated: \_\_\_\_\_  
Petitioner \_\_\_\_\_

Dated: \_\_\_\_\_  
Respondent \_\_\_\_\_

You are under a continuing duty prior to trial to amend this statement if you learn the information contained herein is no longer accurate. Both parties should endeavor to stipulate as to the value of all assets, or be prepared to establish the values by appraisal.

## Parents Forever

This course helps parents learn what will help keep their child safe and out of adult conflict. By strengthening communication skills, Parents Forever can improve parent-child and parent-to parent interactions to assist parents to be more respectful, responsive, and responsible.

### Registration Form

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

County of Residence \_\_\_\_\_ Phone \_\_\_\_\_

Email \_\_\_\_\_ DOB \_\_\_\_\_

**Registration must be submitted one week prior to class. Please circle date and time of the class you are registering:**

Tuesday, November 15, 2022	9:00am – 12:00pm	OR	4:00pm – 7:00pm
Tuesday, December 13, 2022	9:00am – 12:00pm	OR	4:00pm – 7:00pm
Tuesday, January 17, 2023	9:00am – 12:00pm	OR	4:00pm – 7:00pm
Tuesday, February 21, 2023	9:00am – 12:00pm	OR	4:00pm – 7:00pm
Tuesday, March 14, 2023	9:00am – 12:00pm	OR	4:00pm – 7:00pm
Tuesday, April 18, 2023	9:00am – 12:00pm	OR	4:00pm – 7:00pm
Tuesday, May 16, 2023	9:00am – 12:00pm	OR	4:00pm – 7:00pm
Tuesday, June 13, 2023	9:00am – 12:00pm	OR	4:00pm – 7:00pm

(refreshments only will be served)

Number of children \_\_\_\_\_ Ages \_\_\_\_\_

County of Court \_\_\_\_\_ Issuing Judge \_\_\_\_\_

Case Number \_\_\_\_\_ Name of the other Co-Parent \_\_\_\_\_

Will the other co-parent attend the same class? \*Circle one.                      Yes                      No

\*Co-parents must decide if they are willing to attend the same class time.

### Payment Options

\$50 cash or check (payable to Purdue Extension Steuben County) must be included with registration form.

#### Class Location and Payment Address

Steuben County Community Center  
317 S. Wayne St. Suite 1A  
Angola, IN 46703

Class must have a minimum of 5 people registered to be held.  
We may make an attempt to combine classes to reach minimum number needed.  
Children will not be permitted in the classroom and childcare is not provided.

Purdue University is an equal access, equal opportunity institution.

Contact Dana Stanley at 260-668-1000 ext. 1400

dlstanle@purdue.edu

STATE OF INDIANA )  
 ) SS:  
COUNTY OF STEUBEN )

IN THE STEUBEN CIRCUIT/SUPERIOR COURT

STATE OF INDIANA )  
VS )  
\_\_\_\_\_ )

DEFENDANT'S WAIVER OF RIGHTS  
(I.C. 35-33-7-5)

The Defendant hereby waives his/her right to initial hearing and the advisement of rights as required by I.C. 35-33-7-5.

This motion is made on the grounds that the Defendant has been advised by counsel of the following:

1. That Defendant has the right to retain counsel and if Defendant intends to retain counsel, Defendant must do so within:

- (a) Twenty (20) days if Defendant is charged with a felony; or,
- (b) Ten (10) days if Defendant is charged only with one or more misdemeanors;

after this initial hearing, because there are deadlines for filing motions and raising defenses, and if those deadlines are missed, the legal issues and defenses that could have been raised will be waived;

2. That Defendant has the right to court appointed counsel at no expense to Defendant if Defendant is unable to afford to hire an attorney;

3. That Defendant has the right to a speedy and public trial by jury. However, if Defendant is charged only with one or more misdemeanors, then, Defendant must make written demand for trial by jury on or before ten (10) days prior to the first scheduled trial date or Defendant will waive his/her right to trial by jury and this case will be tried to the Court;

4. Of the amount and condition of bail;

5. Of Defendant's privilege against self-incrimination and right to remain silent;

6. Of the nature of the charge against him/her including sentencing alternatives;

7. That a preliminary plea of not guilty is being entered for Defendant and the preliminary plea of not guilty will become a formal plea of not guilty:

- (a) Twenty (20) days after the completion of the initial hearing; or,
- (b) Ten (10) days after the completion of the initial hearing, if a person is charged only with one or more misdemeanors;

unless the Defendant, after consulting with counsel, enters a different plea.

By signing this document, the Defendant states to the Court that he/she has read and understands it.

\_\_\_\_\_  
Defendant

I certify to the Court that I have advised the Defendant of the matters required by I.C. 35-33-7-5 and have explained this document to the Defendant. Defendant has been given a copy of the criminal information filed in this case. I believe that the Defendant understands the rights set forth in this document and the nature of the hearing that Defendant waives by signing it.

\_\_\_\_\_  
Attorney for Defendant

APPENDIX 5

STATE OF INDIANA        )                    IN THE STEUBEN CIRCUIT/SUPERIOR COURT  
                              ) SS:  
COUNTY OF STEUBEN     )

STATE OF INDIANA        )  
    Plaintiff                )  
                              )  
vs.                            )                    CAUSE NO.: \_\_\_\_\_  
                              )  
\_\_\_\_\_  
    Defendant                )

DISCOVERY ORDER

The Courts now order the State of Indiana to produce the following material and information within its possession or control to the Defendant no later than the date scheduled for the first pre-trial conference:

- (1) The names, addresses and telephone numbers (if known) of all persons whom the State intends to call as witnesses; together with their relevant written or recorded statements (or transcripts thereof) made in connection with the above entitled case. Transcripts of Grand Jury testimony shall be paid for by the party requesting the transcripts.
- (2) Any written or recorded statements and the substance, in writing, of any oral statements made by the accused or by a co-defendant, including a list of witnesses to the making and acknowledgement of such statements.
- (3) A copy of all police reports and any reports or statements of experts made as the result of any scientific tests, experiments or comparisons made in connection with this case.
- (4) A copy of the criminal record of the Defendant including a copy of any traffic record if part of the prosecution is for a traffic offense.
- (5) A list (including a brief description) of all books, papers, documents, photographs, items of personal evidence or other tangible objects which the State intends to use at trial or which were obtained from or belong to the Defendant. Upon request of the Defendant, the State shall make arrangements convenient to the parties for the inspection, copying, and photographing of any such evidence. Such arrangements shall be made expeditiously.
- (6) All evidence of any nature whatsoever which would tend to exculpate the Defendant in this case.

- (7) To inform the defense whether or not evidence was acquired by governmental officials or their agents acting directly or indirectly as a result of the execution of any process, and if such has occurred, the State is ordered to produce for the defense a copy of said process.
- (8) To disclose whether or not photographs of Defendant were reviewed by any witness for identification purposes and to disclose the time, date, place and persons present at such viewing and to produce all photographs used whether of Defendant or other persons.
- (9) All Indiana Rules of Evidence 404(b) material.

The Courts further order that the Defendant, subject to constitutional limitations, produce the following material and information to the State of Indiana within twenty (20) days of the filing of the State's answer to this Discovery Order:

- (1) The names, addresses and telephone numbers (if known) of all persons whom the Defendant intends to call as witnesses; together with their relevant written or recorded statements (or transcripts thereof) made in connection with the above entitled case.
- (2) A list (including a brief description) of all books, papers, documents, photographs, items of physical evidence or other tangible objects which the Defendant intends to use at trial. Upon request of the State, the Defendant shall make arrangements convenient to the parties for the inspection, copying, and photographing of any such evidence. Such arrangements shall be made expeditiously.
- (3) A statement of all defenses which the Defendant intends to use at any hearing or trial in this case.
- (4) Any reports or statements of experts made as a result of scientific tests, experiments, or comparisons made in connection with this case and the results of any physical or mental examinations of the Defendant that the Defendant intends to introduce as evidence in the trial of this cause.
- (5) Upon written request of the State, arrangements convenient to the parties shall be made requiring the Defendant to:
  - (a) speak for identification by witnesses to the crime charged in this case;
  - (b) be fingerprinted;
  - (c) appear in a "line-up";
  - (d) pose for photographs not involving reenactment of the crime;
  - (e) try on articles of clothing in the possession of the State;

- (f) Permit the taking of samples of blood, hair, urine or other bodily substance in a manner which will not involve an unreasonable intrusion into his/her body;
- (g) provide a handwriting sample; and,
- (h) submit to a reasonable physical or medical inspection of his body.

Such arrangements shall be made expeditiously.

Any objections to this Order (including a legal memorandum) shall be filed in writing within ten (10) days of this date or shall be deemed waived, except upon a showing of good cause.

The obligations and responsibilities under this Order shall continue throughout the proceedings and until final disposition of the case. Not less than ten (10) days before any trial setting the case shall be reviewed by the respective parties; and an amended answer, if appropriate, be filed with opposing counsel within seven (7) days of the trial date.

Discovery material furnished pursuant to this Order shall not be filed with the Court. However, counsel for the parties or the Defendant (if not represented by counsel) shall certify to the Court, in writing, within the time limits prescribed that this Order has been complied with. Copies of the certification shall be furnished to opposing counsel (or Defendant, if unrepresented by counsel) and any objections to the certifications shall be filed within ten (10) days of the date the certification is filed with the Court.

The parties shall have a continuing obligation to assist the Court in the enforcement of this Order. If a response to the Order is not filed in a timely manner, then the opposing party shall file an appropriate motion within five (5) days after the failure seeking sanctions or any other appropriate remedy. If such a pleading is not filed by the party getting the benefit of a discovery response, then the failure to file shall be deemed a waiver of any right to a continuance allegedly necessary for preparation for any hearing or trial of this case.

Failure to comply with this Order may be enforced by contempt on the Court's own motion or the motion of any party.

DATED: \_\_\_\_\_

\_\_\_\_\_  
ALLEN N. WHEAT  
Judge, Steuben Circuit Court

\_\_\_\_\_  
WILLIAM C. FEE  
Judge, Steuben Superior Court

Distribution to:

STATE OF INDIANA )  
 ) SS:  
COUNTY OF STEUBEN )

IN THE STEUBEN CIRCUIT/SUPERIOR COURT  
CAUSE NO. \_\_\_\_\_

STATE OF INDIANA )  
VS )  
\_\_\_\_\_ )

PERSONAL APPEARANCE BOND  
WITH TEN PERCENT CASH DEPOSIT

I understand that I have been admitted to bail in the sum of \$\_\_\_\_\_ to assure my appearance in the Steuben Circuit Court in all matters in the above captioned cause. In lieu of a surety bond, property bond, or full cash bond, I voluntarily accept the option given by the Court to deposit 10% of the amount of bail in cash with the Clerk of the Court as security for the full amount of the bail.

I understand that I am bound to the State of Indiana in the sum of \$\_\_\_\_\_. If I appear in Court as directed and comply with all conditions as ordered by the Court until this case is finally determined, then this bond shall be void, if otherwise, the bond shall remain in full force.

If I do not appear at any time fixed by the Court, the Court shall declare this bond to be forfeited and notice of forfeiture shall be mailed to me at the address appearing below my signature, or to the attorney representing me in this case. If I do not appear within 30 days from the date of forfeiture and satisfy the Court that my appearance was, or is, impossible and without my fault, then the Court shall enter a judgment for the State and against me and certify the judgment to the Clerk for record. The amount deposited in cash shall be applied to the payment of the judgment. The balance of the judgment may be endorsed and collected in the same manner as a judgment entered in a civil action.

I further understand that if I fail as required or violate any of the conditions of release from custody, the release may be revoked and a warrant for my arrest will be issued immediately.

I agree to the following terms and conditions for being released from custody on bond during the pendency of this cause:

1. I will not leave the State of Indiana without the written permission of the Court;
2. I will inform my attorney, or the Court if I have no attorney, of any change of address or employment within 24 hours of such change;
3. I will personally appear in the cause in the Court of Record whenever my appearance is required by the Court. Notice by the Court to my attorney of record shall constitute notice to me as though served personally. If I am not represented by an attorney, then notice will be mailed to the address below my signature;
4. I agree to comply with all other conditions or releases as ordered by the Court.

When the conditions of the bond have been performed, the Clerk of the Court shall return to me all sums deposited less those amounts set forth hereinafter which I agree may be retained by the Clerk of the Court.

1. An administrative fee which equals the lesser of 10% of the amount deposited, or \$50.00;
2. Up to \$100.00 to be paid into the supplemental Public Defender's Fund;
3. Initial probation user's fee, restitution, fines, costs and administrative fees;
4. Remainder, if any, to Defendant.

I understand the terms of this agreement and voluntarily enter into it.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

Date: \_\_\_\_\_

Date of Defendant's next required appearance in Court. If line is blank, notice will be mailed to Defendant.

\_\_\_\_\_  
Printed or typed name

\_\_\_\_\_  
Current address

\_\_\_\_\_  
Jail Officer's Signature

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Printed or typed name

\_\_\_\_\_  
Telephone number with area code



# Office of the Magistrate of Steuben County, Indiana

*James W. Burns, Magistrate*

*Cheryl Rodesiler, Reporter  
Amy Covell, Bailiff  
Cassie Pfafman, Secretary*

*Magistrate Courtroom  
1st Floor, Courthouse  
55 South Public Square  
Angola, Indiana 46703  
Telephone (260) 668-1000  
(extension 2300)*

TO: MEMBERS OF THE BAR &  
OTHERS PRACTICING IN THE STEUBEN  
COUNTY SMALL CLAIMS COURT

RE: REVISED FORMS

Below are the **LATEST** revised and updated forms for Steuben County Small Claims. These revised forms will be available to you in printed form at the small claim clerk's office and the Magistrate's Office. The changes are necessary to because of changes to the "Affidavit of Debt" form and because judgment releases will be processed by the Clerk, not the Court.

**Please discontinue using nonconforming pleadings in all small claims or plenary actions. Also please make your staff aware of this request.**

**REMINDERS:**

- 1) When constructing any proposed order (small claims, civil, criminal, or any proposed order), please put the date as "Date: \_\_\_\_\_" rather than "the \_\_\_ day of \_\_\_\_\_, 20\_\_". The software for signing and dating orders has an automatic date stamp we can use, but that date stamp does not work with "the \_\_\_ day of \_\_\_\_\_, 20\_\_". **Please discontinue that form of dating of orders.**
- 2) All proposed orders must be on separate pages from the motions, with separate headings.

Thank you.

James W. Burns,  
Steuben County Magistrate

# SMALL CLAIMS RULE 8 CORPORATE AUTHORIZATION FORM

Pursuant to Small Claims Rule 8, this form must be completed by any Corporation, S Corporation, Limited Liability Company (LLC), Limited Liability Partnership (LLP), Not for Profit Corporation, Professional Corporation (PC) or any other corporate entity that has not hired an attorney and is suing or being sued for no more than \$6,000.00.

**Any corporation that is suing or being sued for more than \$6,000.00 must be represented by a lawyer admitted to practice law in the State of Indiana.**

**COLLECTION AGENCIES OR THOSE WHO HAVE ASSIGNED CLAIMS MUST BE REPRESENTED BY AN ATTORNEY REGARDLESS OF THE AMOUNT AT ISSUE.**

### CORPORATE RESOLUTION AUTHORIZING EMPLOYEE REPRESENTATION

We the Board of Directors of \_\_\_\_\_, (insert the name of the corporation, LLC, LLP, etc.) authorize \_\_\_\_\_, (insert the name of the person who will represent the corporation) a **full-time** employee, to represent this corporation in any and all judicial proceedings, pursuant to Small Claims Rule 8, we agree to be bound by the designated employee's or trustee's acts and agreements relating to the small claims proceeding, and shall be liable for assessments and costs levied by a court relating to the small claims proceeding, and that the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives any claim for damages in excess of six thousand dollars (\$6,000.00) associated with the facts and circumstances alleged in the notice of claim. Additionally, the designated employee or trustee must file in each case an affidavit stating that he/she is not disbarred or suspended from the practice of law in Indiana or any other jurisdiction.

Date: \_\_\_\_\_

Signatures of the Directors:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I \_\_\_\_\_ (name of full-time employee) do affirm pursuant to the penalty for perjury that I am not a disbarred attorney and that I am a **FULL TIME EMPLOYEE** OF:

\_\_\_\_\_.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Full-Time Employee

## **CORPORATIONS AND BUSINESSES – WHEN DO THEY NEED A LAWYER?**

First and foremost, a power of attorney never authorizes one person to represent another in a small claims court. See *Simmons v. Carter*, 576 N.E.2d 1278 (Ind.Ct.App. 1991).

### **CORPORATIONS:**

Small Claims Rule 8 requires a corporation to have a lawyer whenever the amount being sued for is more than \$6,000.00. However, if the amount is less than \$6,000.00, the corporation can send a full time employee to represent them in a small claims court. The employee needs to have the board of directors of the corporation fill out the corporate authorization form included with this memo. Remember, the president of the corporation or the branch manager cannot sign this document.

**– IT HAS TO BE THE BOARD OF DIRECTORS THAT SIGNS! –**

The employee also has to sign the portion at the bottom that indicates that the employee is not a disbarred attorney.

This rule applies to LLC's (limited liability corporations), S Corporations or any other corporate entity. If a litigant is in doubt about the status of their business, tell them to do some research and find out.

### **SOLE PROPRIETORSHIP'S AND PARTNERSHIPS:**

Small Claims Rule 8 allows a full time employee of a partnership or sole proprietorship to appear on a small claims case, as long as the case is for less than \$6,000.00. The employee needs to have a partner or the owner fill out the sole proprietorship/partnership authorization attached to this memo. The employee also has to sign the portion at the bottom that indicates that the employee is not a disbarred attorney. However, if the amount at issue is more than \$6,000.00, the owner of the sole proprietorship or one of the partners of the partnership must either appear in court in person or hire an attorney.

### **FULL TIME EMPLOYEES ONLY!:**

The person appearing must be a full time employee of the business (and not of another company that manages the business)

### **ASSIGNED CLAIMS:**

Cases involving any assigned claim, such as those of collection agencies, cannot be represented by a fulltime employee of the collection agency or its owner, even if the amount is less than \$6,000.00. A collection agency or any person trying to collect money on an assigned claim **MUST** have an attorney. (Assigned claims are claims that one person sells or gives to another.)

**SMALL CLAIMS RULE 8  
SOLE PROPRIETORSHIP/PARTNERSHIP  
AUTHORIZATION FORM**

Pursuant to Small Claims Rule 8, this form must be completed by any sole proprietorship or partnership that desires to send a full time employee to court as opposed to appearing themselves or hiring an attorney. However, such a full-time employee cannot represent the business if the amount at issue is more than \$6,000.00.

**If the amount at issue exceeds \$6,000.00, the owner or one of the partners must appear in person or hire an attorney licensed to practice law in Indiana to represent the business.**

**COLLECTION AGENCIES OR THOSE WHO HAVE ASSIGNED CLAIMS MUST BE REPRESENTED BY AN ATTORNEY REGARDLESS OF THE AMOUNT AT ISSUE.**

**SOLE PROPRIETORSHIP OR PARTNERSHIP DESIGNATION  
AUTHORIZING EMPLOYEE REPRESENTATION**

I/We the owner(s) of \_\_\_\_\_, (insert the name of the sole proprietorship/partnership) authorize \_\_\_\_\_, (insert the name of the person who will represent the business) a full time employee, to represent this business in any and all judicial proceedings, pursuant to Small Claims Rule 8. On behalf of the business, I/we agree to be bound by the designated employee's or trustee's acts and agreements relating to the small claims proceeding, and shall be liable for assessments and costs levied by a court relating to the small claims proceeding, and that the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives any claim for damages in excess of six thousand dollars (\$6,000.00) associated with the facts and circumstances alleged in the notice of claim. Additionally, the designated employee or trustee must file in each case an affidavit stating that he/she is not disbarred or suspended from the practice of law in Indiana or any other jurisdiction.

I affirm pursuant to the penalty of perjury that the above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of the Owner/Partner

I \_\_\_\_\_ (name of full-time employee) do affirm pursuant to the penalty for perjury that I am not a disbarred attorney and that I am a **FULL TIME EMPLOYEE** OF:

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Full-Time Employee

## **CORPORATIONS AND BUSINESSES – WHEN DO THEY NEED A LAWYER?**

First and foremost, a power of attorney never authorizes one person to represent another in a small claims court. See *Simmons v. Carter*, 576 N.E.2d 1278 (Ind.Ct.App. 1991).

### **CORPORATIONS:**

Small Claims Rule 8 requires a corporation to have a lawyer whenever the amount being sued for is more than \$6,000.00. However, if the amount is less than \$6,000.00, the corporation can send a full time employee to represent them in a small claims court. The employee needs to have the board of directors of the corporation fill out the corporate authorization form included with this memo. Remember, the president of the corporation or the branch manager cannot sign this document.

**– IT HAS TO BE THE BOARD OF DIRECTORS THAT SIGNS! –**

The employee also has to sign the portion at the bottom that indicates that the employee is not a disbarred attorney.

This rule applies to LLC's (limited liability corporations), S Corporations or any other corporate entity. If a litigant is in doubt about the status of their business, tell them to do some research and find out.

### **SOLE PROPRIETORSHIP'S AND PARTNERSHIPS:**

Small Claims Rule 8 allows a full time employee of a partnership or sole proprietorship to appear on a small claims case, as long as the case is for less than \$6,000.00. The employee needs to have a partner or the owner fill out the sole proprietorship/partnership authorization attached to this memo. The employee also has to sign the portion at the bottom that indicates that the employee is not a disbarred attorney. However, if the amount at issue is more than \$6,000.00, the owner of the sole proprietorship or one of the partners of the partnership must either appear in court in person or hire an attorney.

### **FULL TIME EMPLOYEES ONLY!:**

The person appearing must be a full time employee of the business (and not of another company that manages the business)

### **ASSIGNED CLAIMS:**

Cases involving any assigned claim, such as those of collection agencies, cannot be represented by a fulltime employee of the collection agency or its owner, even if the amount is less than \$6,000.00. A collection agency or any person trying to collect money on an assigned claim **MUST** have an attorney. (Assigned claims are claims that one person sells or gives to another.)

**Steuben County Superior Court**  
**Small Claims Division**  
55 S Public Square  
Angola, Indiana 46703  
telephone 260-668-1000  
Superior Court - extension 2600 / Circuit Court - extension 2000  
Magistrate's Office - extension 2300 / Small Claims Clerk - extension 2270

Cause No. \_\_\_\_\_

\_\_\_\_\_  
Name  
  
\_\_\_\_\_  
Name  
  
\_\_\_\_\_  
Street Address  
  
\_\_\_\_\_  
City, State, Zip                      Plaintiff

AGAINST

\_\_\_\_\_  
Name  
  
\_\_\_\_\_  
Name  
  
\_\_\_\_\_  
Street Address  
  
\_\_\_\_\_  
City, State, Zip                      Defendant(s)

Service by: Certified Mail (\_\_\_\_) Sheriff (\_\_\_\_)

**NOTICE OF CLAIM**

**TO THE DEFENDANT:** You have been sued by the Plaintiff whose name appears above. The initial hearing date for this lawsuit is on

\_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ m.

A brief statement of the nature of the Plaintiff's claim against you is as follows:

Balance due on:      Account (copy must be attached) \_\_\_\_\_      Promissory Note (copy must be attached) \_\_\_\_\_      Back Rent & Eviction \_\_\_\_\_

Plaintiff seeks judgment against the Defendant(s) for \$ \_\_\_\_\_ and Court costs of \$ \_\_\_\_\_ for a total of \$ \_\_\_\_\_

\_\_\_\_\_  
**Plaintiff**

**YOU MAY APPEAR IN COURT ANYTIME BEFORE THE HEARING AND PAY THE CLAIM AND COURT COST IN FULL (BY CASH OR MONEY ORDER ONLY) AND DISMISS THE CLAIM AGAINST YOU.**

**IF YOU FAIL TO APPEAR IN COURT ON THE DATE AND AT THE TIME SET FOR ANY HEARING, THE PLAINTIFF CAN RECEIVE A JUDGMENT FOR THE AMOUNT CLAIMED, PLUS COURT COSTS. IF YOU DISPUTE THE CLAIM YOU MUST NOTIFY THE COURT AT LEAST SEVEN (7) DAYS BEFORE THE HEARING DATE SO THAT THE COURT CAN SET A CONTESTED HEARING DATE. IF YOU FAIL TO NOTIFY THE COURT, THE COURT MAY RESET OR CONTINUE THE HEARING DATE UPON YOUR APPEARANCE.**

If you have any counterclaim arising from the same transaction or occurrence which is the subject matter of the Plaintiff's claim, you may file a statement of such claim with the Court, and send a copy to the Plaintiff, at least seven (7) days prior to the hearing. If such counterclaim is not received within this time, plaintiff may request a continuance. By filing this small claim the Plaintiff has waived the right to a trial by jury. You have ten (10) days from receipt of this notice to file an affidavit requesting a jury trial and to pay the costs for transferring the case. Your failure to do so waives your right to trial by jury. You may represent yourself in this Court. You do not need to employ an attorney. You may, however, have an attorney represent you if you wish. If you do not wish to dispute the claim, you may nonetheless appear for the purpose of allowing the Court to establish method of payment. You should, however, first contact the Plaintiff or Plaintiff's attorney and attempt to arrange payment. If this lawsuit should require a hearing before the Court, you will at the time of hearing be required to appear with your witnesses and any documents required to prove or side of the case. Subpoenas to require witnesses to appear shall be issued upon request. (Contested hearings usually take place at a later date.)

**IF THE PLAINTIFF OR DEFENDANT IS A CORPORATION IT MUST BE REPRESENTED BY AN ATTORNEY AT LAW**, unless the Plaintiff's claim is under Six Thousand (\$6000.00) Dollars. If so, the corporate representative selected must be authorized by a written resolution by the Board of Directors of the Corporation. In addition thereto, such corporate representative must file an affidavit with the Clerk of the Court that he or she is not a disbarred attorney or the representative of a collection agency. **IF THE PLAINTIFF OR DEFENDANT IS A SOLE PROPRIETORSHIP OR PARTNERSHIP AND THE CLAIM IS OVER SIX THOUSAND DOLLARS (\$6000.00), THE OWNER/PARTNER MUST APPEAR IN PERSON OR HIRE AN ATTORNEY AT LAW.** If the claim is less than Six Thousand Dollars (\$6000.00), the owner/partner may designate an employee to appear on their behalf; the designated employee must have a written and signed authorization from the owner/partner. Furthermore, the representative must file an affidavit with the Clerk of the Court that he or she is not a disbarred attorney or the representative of a collection agency.

**IF YOU CANNOT APPEAR ON THE DATE AND TIME INDICATED, CONTACT THE COURT IMMEDIATELY UPON RECEIPT OF THIS NOTICE.**

**CLERK'S CERTIFICATE OF RETURN OF SERVICE BY MAIL**

I hereby certify that service of Notice of Claim with return receipt requested was mailed on \_\_\_\_\_, 2\_\_\_\_\_, and that a copy of return receipt was received on \_\_\_\_\_, 2\_\_\_\_\_, which copy is attached herewith.

Dated: \_\_\_\_\_  
Clerk (seal)

**CERTIFICATE OF CLERK OF SERVICE NOT ACCEPTED BY MAIL**

I hereby certify that on \_\_\_\_\_, 2\_\_\_\_\_, I mailed a copy of the Notice of Claim to each of the Defendant(s) \_\_\_\_\_ by (registered or certified) mail, and the same was returned without acceptance on \_\_\_\_\_, 2\_\_\_\_\_.

Dated: \_\_\_\_\_  
Clerk (seal)

**SHERIFF'S RETURN OF SERVICE**

I hereby certify that I have served the Notice of Claim:

- By delivering on \_\_\_\_\_, 2\_\_\_\_\_, a copy of the Notice of Claim to the Defendant(s): \_\_\_\_\_
- By leaving on the \_\_\_\_\_, 2\_\_\_\_\_, for each of Defendant(s) \_\_\_\_\_ a copy of the Notice of Claim at \_\_\_\_\_ being the respective dwelling house or usual place of abode of the Defendant(s), with \_\_\_\_\_, a person of suitable age and discretion residing therein whose usual duties or activities include prompt communication of such information to the person served AND by mailing a copy of the Notice of Claim to the Defendant(s) at \_\_\_\_\_, the last known address of the Defendant(s).
- OTHER MEANS: \_\_\_\_\_

Sheriff, Steuben County, by:

Deputy Sheriff

**SHERIFF'S RETURN WITHOUT SERVICE**

I hereby certify that service of Notice of Claim was not made because:

- The defendant was not found in my bailiwick. I believe or am informed that he may be found at: \_\_\_\_\_
- The defendant(s) do(es) not have a dwelling house or usual place of abode with some person of suitable age and discretion residing therein with whom a copy of the Notice of Claim could be left, in my bailiwick.
- OTHER: \_\_\_\_\_

Sheriff, Steuben County, by:

Deputy Sheriff

**SERVICE ACKNOWLEDGED BY DEFENDANT(S)**

I received a copy of this Notice of Claim on \_\_\_\_\_, 2\_\_\_\_\_.

Dated: \_\_\_\_\_  
Signature of Defendant(s)

Copy to: notice to  
Plf. \_\_\_\_\_  
Plf. atty. \_\_\_\_\_

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**ORDER TO DISMISS**  
**WITHOUT PREJUDICE PURSUANT**  
**TO TRIAL RULE 41(E)**

\_\_\_\_\_  
*defendant(s)*

Being duly advised, pursuant to Trial Rule 41(E), this cause is dismissed without prejudice and is placed off docket. Hearing, if any, is ordered vacated.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to:                      notice to:  
\_\_\_\_ Plif.                      \_\_\_\_\_  
\_\_\_\_ Plif. aty.                \_\_\_\_\_  
\_\_\_\_ Deft.                      \_\_\_\_\_  
\_\_\_\_ Deft. aty.                \_\_\_\_\_  
\_\_\_\_ Sheriff                    \_\_\_\_\_  
\_\_\_\_ Other: \_\_\_\_\_        \_\_\_\_\_

Service by:  
DEFT #1                      DEFT #2                      GARN.DEFT  
Regular Mail (\_\_\_\_)        Regular Mail (\_\_\_\_)        Regular Mail (\_\_\_\_)

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**MOTION TO DISMISS**  
**WITH/WITHOUT PREJUDICE**

Plaintiff, (by counsel,) moves to dismiss this cause WITH / WITHOUT prejudice.  
(strike one)

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

### **ORDER TO DISMISS**

Being duly advised, it is now **ORDERED** that this cause is dismissed with/without prejudice. Hearing, if any, is ordered vacated.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to: notice to: \_\_\_\_\_ *RJO ENTERED*  
\_\_\_\_\_  
Plif. \_\_\_\_\_  
Plif. atty. \_\_\_\_\_  
Defi. \_\_\_\_\_  
Defi. atty. \_\_\_\_\_  
Sheriff \_\_\_\_\_

Service by: DEFT #1 DEFT #2 GARN.DEFT  
DEFT #1 DEFT #2 GARN.DEFT  
Regular Mail (\_\_\_\_) Regular Mail (\_\_\_\_) Regular Mail (\_\_\_\_)  
Certified Mail (\_\_\_\_) Certified Mail (\_\_\_\_) Certified Mail (\_\_\_\_)  
Sheriff (\_\_\_\_) Sheriff (\_\_\_\_) Sheriff (\_\_\_\_)  
hand del.(\_\_\_\_) hand del.(\_\_\_\_) hand del. (\_\_\_\_)

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**AFFIDAVIT FOR JUDGMENT**  
**BY DEFAULT**

The plaintiff(s) state(s) that to the best of its (his/her/their) knowledge:

1. That service of the Notice of Claim was had under such circumstances as to establish a reasonable probability that the defendant(s) received such notice.
2. That the defendant(s) is/are not in the military service of the United States, nor incompetent, nor is/are under a legal disability and that the defendant(s) has/have sufficient understanding to realize the nature and effect of the Notice of Claim.
3. That the defendant(s) has/have not appeared or answered the Notice of Claim herein filed.
4. That a prima facie case is established either by documents already filed or by the attached documents that support the amount claimed for judgment (**INCLUDING AN AFFIDAVIT OF DEBT AND ALL EVIDENCE OF ANY ACCOUNT, AS REQUIRED BY SMALL CLAIM RULE 2.**)

That the plaintiff(s) is/are entitled to a judgment against defendant(s):

**Defendant #1:** \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

**Defendant #2:** \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

**Defendant #3:** \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

**Defendant #4:** \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Judgment should be joint and several.

Costs of \$ \_\_\_\_\_ should also assessed to the Defendant(s).

No part of these amounts have been paid, and there are no setoffs or credits due.

**I swear or affirm under the penalty of perjury that the foregoing representations are true.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**JUDGMENT BY**  
**DEFAULT**

Plaintiff(s) make(s) proof of service of Notice of Claim on defendant(s). A prima facie case is established by the pleadings and filings. Defendant(s) is/are called and defaulted, cause submitted and evidence heard, finding and judgment for plaintiff(s) and against defendant(s) AS FOLLOWS:

Defendant #1: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Defendant #2: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Defendant #3: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Defendant #4: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

( ) Judgment is joint and several.

Costs of \$ \_\_\_\_\_ are also assessed to the Defendant(s).

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to: notice to: \_\_\_\_\_ RJO ENTERED  
\_\_\_\_ Plif. \_\_\_\_\_  
\_\_\_\_ Plif. atty. \_\_\_\_\_  
\_\_\_\_ Def. \_\_\_\_\_  
\_\_\_\_ Def. atty. \_\_\_\_\_  
\_\_\_\_ Sheriff \_\_\_\_\_  
\_\_\_\_ Garn. def. \_\_\_\_\_

Service by: DEFT #1 DEFT #2 GARN.DEFT  
Regular Mail ( ) Regular Mail ( ) Regular Mail ( )  
Certified Mail ( ) Certified Mail ( ) Certified Mail ( )  
Sheriff ( ) Sheriff ( ) Sheriff ( )  
hand del. ( ) hand del. ( ) hand del. ( )

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**AGREED SETTLEMENT  
AND JUDGMENT**

\_\_\_\_\_  
*defendant(s)*

Defendant(s) Names(s): \_\_\_\_\_

Address: \_\_\_\_\_  
*street City State Zip*

Telephone: \_\_\_\_\_  
*area code number*

Employer: \_\_\_\_\_  
*name address*

The parties to this action have settled the matters at issue as follows and request the Court to enter judgment as follows:

Defendant #1: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Defendant #2: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Defendant #3: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Defendant #4: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Judgment should be joint and several.

Costs of \$ \_\_\_\_\_ should also assessed to the Defendant(s).

method of payment: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

The defendant(s) swear (s) or affirms(s) under the penalty of perjury that confession of judgment is not made for the purposes of defrauding creditors.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Defendant*

\_\_\_\_\_  
*Plaintiff*

\_\_\_\_\_  
*defendant*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*  
vs.  
\_\_\_\_\_  
*defendant(s)*

**AGREED JUDGMENT**

The parties having filed their agreed judgment as set forth.

**It is ordered, adjudged and decreed** that the agreed judgment of the parties be, and is hereby approved and the parties are ordered to carry out the terms of the agreed judgment.

Finding and judgment for plaintiff(s) and against defendant(s) AS FOLLOWS:

Defendant #1: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Defendant #2: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Defendant #3: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

Defendant #4: \_\_\_\_\_ in the sum of \$ \_\_\_\_\_.

(  ) Judgment is joint and several.

Costs of \$ \_\_\_\_\_ are also assessed to the Defendant(s).

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to: \_\_\_\_\_  
Plif. \_\_\_\_\_  
Plif. arty. \_\_\_\_\_  
Deft. \_\_\_\_\_  
Deft. arty. \_\_\_\_\_  
Sheriff \_\_\_\_\_  
Garn.deft \_\_\_\_\_  
notice to: \_\_\_\_\_  
\_\_\_\_\_ RJO ENTERED

Service by:  
DEFT #1  
Regular Mail (  )  
Certified Mail (  )  
Sheriff (  )  
hand del. (  )  
DEFT #2  
Regular Mail (  )  
Certified Mail (  )  
Sheriff (  )  
hand del. (  )  
GARN.DEFT  
Regular Mail (  )  
Certified Mail (  )  
Sheriff (  )  
hand del. (  )

STATE OF INDIANA        )  
                                  ) §:  
COUNTY OF STEUBEN     )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

VS.

\_\_\_\_\_  
Name Defendant(s)

Soc. Sec. -- last four numbers: XXX-XX-\_\_\_\_\_  
Date of Birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Garnishee Defendant

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

**VERIFIED MOTION FOR  
PROCEEDINGS SUPPLEMENTAL**

The Plaintiff, (by counsel) upon oath, states as follows:

1. Plaintiff owns the judgment rendered hereunder against the Defendant.
2. Plaintiff has no cause to believe that levy of execution against the Defendant will satisfy said judgment.
3. Plaintiff's judgment is unsatisfied.
4. That Garnishee Defendant has in his possession the following personal property of the Defendant, to-wit: wages, salaries, commissions, earnings, and income.

**WHEREFORE**, the Plaintiff moves the Court to issue an order to the Defendant requiring the Defendant to appear to testify concerning his/her property and requiring the Garnishee Defendant to answer the interrogatories concerning property in its possession.

**I verify under the penalties of perjury that the above is true to the best of my knowledge and belief.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff and /or Attorney for Plaintiff

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

VS.

\_\_\_\_\_  
Name Defendant(s)

Soc. Sec. - last four numbers: XXX-XX-\_\_\_\_\_  
Date of Birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Garnishee Defendant

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

**ORDER FOR HEARING ON  
PROCEEDINGS SUPPLEMENTAL**

Plaintiff, by counsel, files Verified Motion with Interrogatories. Motion is granted as prayed.

DEFENDANT IS ORDERED TO APPEAR IN THE STEUBEN MAGISTRATE'S COURTROOM  
ON:

\_\_\_\_\_, AT \_\_\_\_\_ .M.

TO TESTIFY CONCERNING HIS/HER PROPERTY.

GARNISHEE DEFENDANT IS ORDERED TO ANSWER THE INTERROGATORIES AND  
RETURN THEM EITHER TO THIS COURT OR TO THE PLAINTIFF'S ATTORNEY WITHIN  
TWENTY-ONE (21) DAYS OF THIS DATE.

**Defendant is hereby advised that disobedience of this Order may be punished as  
contempt of this Court.**

Dated: \_\_\_\_\_

Copy to: notice to:  
\_\_\_\_ Plif. \_\_\_\_\_  
\_\_\_\_ Plif. aty. \_\_\_\_\_  
\_\_\_\_ Deft. \_\_\_\_\_  
\_\_\_\_ Deft. aty. \_\_\_\_\_  
\_\_\_\_ Sheriff \_\_\_\_\_  
\_\_\_\_ Garn. deft \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Service by:  
DEFT #1 DEFT #2 GARN.DEFT  
Regular Mail ( ) Regular Mail ( ) Regular Mail ( )  
Certified Mail ( ) Certified Mail ( ) Certified Mail ( )  
Sheriff ( ) Sheriff ( ) Sheriff ( )  
hand del. ( ) hand del. ( ) hand del. ( )

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

**INTERROGATORIES PROPOUNDED TO:**

VS.

\_\_\_\_\_  
Garnishee Defendant

Name \_\_\_\_\_ Defendant(s)  
Soc. Sec. – last four numbers: XXX-XX-\_\_\_\_\_  
Date of Birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

\_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City, State, Zip

Plaintiff submits the following questions to be answered by you, the Garnishee Defendant: (ALL QUESTIONS MUST BE ANSWERED!)

1. Is the Defendant employed by you? Answer 1 \_\_\_\_\_

2. If the Defendant is no longer employed by you what is the name of Defendant's current employer? Answer 2 \_\_\_\_\_

3. What is the Defendant's residence address? Answer 3 \_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City, State, Zip

4. What is the Defendant's social security number? Answer 4 XXX-XX-\_\_\_\_\_  
(last four digits only)

5. If Defendant is on an hourly pay rate, what is the pay rate? Answer 5 \_\_\_\_\_

6. If Defendant is on a salary, what is the gross salary? Answer 6 \_\_\_\_\_

7. Does Defendant draw or receive any other wages, profits, income, commissions or rebates from you other than the above wages? Answer 7 \_\_\_\_\_  
If so, what? \_\_\_\_\_

8. List any current garnishments or wage assignments on Defendant's earnings, together with the court, cause number and approximate balance remaining (including child support withholding orders):  
Answer 8 \_\_\_\_\_

I swear or affirm under the penalties of perjury that the foregoing representations are true.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_  
Printed name: \_\_\_\_\_

\_\_\_\_\_  
(position or title with garnishee defendant)

Please return the completed Interrogatories to:  
Tangi Manahan, Clerk, 55 S Public Square, Angola, Indiana 46703

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

**MOTION FOR GARNISHMENT ORDER TO:**

VS.

\_\_\_\_\_  
Garnishee Defendant

Name \_\_\_\_\_ Defendant(s)  
Soc. Sec. -- last four numbers: XXX-XX-\_\_\_\_-\_\_\_\_-\_\_\_\_  
Date of Birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Street Address \_\_\_\_\_  
\_\_\_\_\_  
City, State, Zip \_\_\_\_\_

The Plaintiff(s)/Petitioner(s)/moving party appears and makes proof of service of notice of hearing upon the Defendant(s), and upon the Garnishee Defendant. The Defendant(s) appear/fail to appear. The Garnishee Defendant was served with notice of hearing, and has been provided with an opportunity to object to any order requiring garnishment.

On \_\_\_\_\_, the Defendant owed the following to the Plaintiff(s)/Petitioner(s)/moving party:  
(date of hearing)

Judgment	\$ _____
Costs	\$ _____
Interest	\$ _____
Minus payments	(\$ _____)
<b>TOTAL AMOUNT CURRENTLY OWING</b>	<b>\$ _____</b>

The Plaintiff(s)/Petitioner(s)/moving party requests that a garnishment order enter accordingly.

I verify under the penalties of perjury that the above is true to the best of my knowledge and belief.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff and /or Attorney for Plaintiff

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

**GARNISHMENT ORDER TO:**

VS.

\_\_\_\_\_  
Garnishee Defendant

Name \_\_\_\_\_ Defendant(s)  
Soc. Sec. – last four numbers: XXX-XX-\_\_\_\_-\_\_\_\_-\_\_\_\_  
Date of Birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Street Address \_\_\_\_\_  
\_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Plaintiff appears and makes proof of service of notice of hearing upon Defendant(s), and upon Garnishee Defendant.

**The Court now finds and orders:**

1. That Garnishee Defendant withhold from the earnings of the Defendant, the lesser of the following sums:
  - a) (25% or \_\_\_\_\_%) of said earnings after subtracting income tax and social security withholdings ("disposable earnings").
  - OR**
  - b) The amount by which his/her "disposable earnings" exceed thirty (30) times the Federal minimum wage. If the minimum wage is \$7.25/hour, the amount would be the excess above \$217.50 per week, \$435.00 biweekly, \$471.25 semi-monthly, or \$942.50 monthly.
2. That withholding of said amounts shall be continued until the follow is fully paid:

**TOTAL AMOUNT CURRENTLY OWING** \$ \_\_\_\_\_

together with interest on the total amount owing at the rate of 8% per annum from the date of this Order on any unpaid balance.

3. The Garnishee Defendant is ordered to pay the Clerk of this Court (55 South Public Square, Angola, IN 46703), the withheld amounts at least MONTHLY.
4. **If the Garnishee Defendant is under an order to withhold child support from the Defendant's (judgment debtor's) earnings, the child support must be paid before this garnishment, even if the child support order is received after this order.** If the amount withheld for child support equals or exceeds the lesser of 25% of the disposable earnings or the amount by which the disposable earnings exceeds 30 times the minimum wage, then nothing should be paid on this garnishment order. If the child support order does not equal or exceed those amounts, the Garnishee Defendant must deduct the child support order from the amount subject to garnishment first and pay the balance toward the garnishment.
5. An employer making deductions from an disposable earnings pursuant to a garnishment order (excluding a judgment for payment of child support) may collect, as a fee to compensate the employer for making these deductions, an amount equal to the greater of twelve dollars (\$12) or three percent (3%) of the total amount required to be deducted by the garnishment order. If the employer chooses to impose a fee, it shall be allocated as follows: (a) One-half (1/2) of the fee shall be borne by the debtor, and that amount may be deducted by the employer directly from the employee's disposable earnings. (b) One-half (1/2) of the fee shall be borne by the creditor, and that amount may be retained by the employer from the amount otherwise due the creditor.
6. The Clerk of this Court shall have a copy of this Order served on the Garnishee Defendant.

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

**SERVICE OF PROCESS**

I certify that a copy of this Order was mailed to the Garnishee Defendant this date.

**Dated:** \_\_\_\_\_

**CLERK**

<i>Copy to:</i>	<i>notice to:</i>
____ Plf.	_____
____ Plf. atty.	_____
____ Def.	_____
____ Def. atty.	_____
____ Sheriff	_____
____ Garn. deft	_____

<b>Service by:</b>		
<b>DEFT #1</b>	<b>DEFT #2</b>	<b>GARN.DEFT</b>
Regular Mail (____)	Regular Mail (____)	Regular Mail (____)
Certified Mail (____)	Certified Mail (____)	Certified Mail (____)
Sheriff (____)	Sheriff (____)	Sheriff (____)
hand del. (____)	hand del. (____)	hand del. (____)

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)  
VS.

Soc. Sec. – last four numbers: XXX-XX-\_\_\_\_\_  
Date of Birth: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

**Financial Institution Garnishment Order**

The Plaintiff named above has filed proof of service of notice of hearing upon the above-named Defendant and upon the above-named Financial Institution (bank, savings association, credit union, or other entity chartered under Federal or State law to engage in the business of banking). The Court finds and orders:

- 1. The answers to the interrogatories show that the Defendant owns or has an interest in account(s) of deposit maintained by the Financial Institution.
- 2. The Defendant is liable to the Plaintiff on a judgment together with interest and costs that are as follows:

**TOTAL AMOUNT CURRENTLY OWING**      \$ \_\_\_\_\_

- 3. This order is subject to the rules and regulations enacted by the Office of Personnel Management [5 CFR Parts 831, 841 RIN 3206-AM17], the Railroad Retirement Board [20 CFR Part 350, RIN 3220-AB63], the Social Security Administration [20 CFR Parts 404, 416, RIN 0960-AH18], The Department of Treasury [31 CFR Part 212, RIN 1505-AC20], and the Department of Veterans Affairs [38 CFR Part 1, RIN 2900-AN67]. [See Federal Register /Vol. 76, No. 36, at pg. 9939, February 23, 2011.] The final rules effective on June 28, 2013. [See Federal Register / Vol. 78, No. 103, at pg. 32099, May 29, 2013.]
- 4. Before seizing any or all of the Defendant's account(s) to pay all or part of the amount owed by the Defendant, the Financial Institution must first comply fully with the Federal Rules concerning Garnishment of Accounts Containing Federal Benefit Payments. For example the Financial Institution must do the following (not an exhaustive list):
  - a) Perform an account review no later than 2 business days after receiving this order.
  - b) If the account review shows that neither the Social Security Administration (SSA), nor the Department of Veterans Affairs (VA), nor the Office of Personnel Management (OPM), nor the Railroad Retirement Board (RRB) directly deposited a Federal benefit payment into the account within the lookback period prior to receipt of this order, then the Financial Institution is to follow its customary procedures for handling the garnishment order. The lookback period is the 2 month period beginning on the date preceding the date of the account review and ending on the corresponding date of the month 2 months earlier. If the account review shows that the SSA, VA, OPM, or RRB deposited a benefit payment into the account within the lookback period, the Financial Institution must follow the procedures in § 212.6. This includes calculating the Defendant's protected amount, which is the lesser of the sum of all benefit payments posted to an account between the close of business on the beginning date of the lookback period and the ending date of the lookback period, or the balance in an account at the open of business on the date of the account review. The Financial Institution shall ensure that the Defendant has full and customary access to the protected amount, which may not be frozen in response to this order and shall be exempt from garnishment orders.
  - c) If the account review shows funds in excess of the protected amount, the Financial Institution shall follow its customary procedures for handling garnishment orders, including the freezing of funds, which may only occur one time as a result of this order.
  - d) The Financial Institution must issue the Notice required by Federal law in all cases involving SSA, VA, OPM, or RRB benefits.
  - e) All Indiana law provisions in conflict with the Federal laws and regulations are preempted by the Federal laws and regulations.
- 5. To the extent that the Financial Institution has funds in the Defendant's account(s) that are not exempt from this order, the Financial Institution is ordered to pay over those non-exempt funds to the Clerk of this Court, up to the total amount owed as shown in Paragraph 2(d), above. This order may be enforced only once and then this order automatically terminates.
- 6. This order is to be sent by 1<sup>st</sup> class, United States Mail. It need not be sent certified nor by Sheriff.

Dated: \_\_\_\_\_  
**James W. Burns, Magistrate**

**SERVICE OF PROCESS**

I certify that a copy of this Order was mailed to the Garnishee Defendant this date.

Dated: \_\_\_\_\_  
**CLERK**

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**POST-JUDGMENT AGREEMENT**

\_\_\_\_\_  
*defendant(s)*

Defendant(s) Names(s): \_\_\_\_\_

Address: \_\_\_\_\_  
*street City State Zip*

Telephone: \_\_\_\_\_  
*area code number*

Employer: \_\_\_\_\_  
*name address*

The parties to this action have agreed that the judgment rendered in this cause shall be satisfied as follows and request the approval of the Court:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
*defendant*

\_\_\_\_\_  
*plaintiff*

\_\_\_\_\_  
*defendant*

\_\_\_\_\_



STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

VS.

\_\_\_\_\_  
EMPLOYER

Name \_\_\_\_\_ Defendant(s)  
Soc. Sec. – last four numbers: XXX-XX-\_\_\_\_\_  
Date of Birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

\_\_\_\_\_  
Street Address  
\_\_\_\_\_  
City, State, Zip

## WAGE ASSIGNMENT

I hereby authorized and direct my employer to deduct from my earnings, which I may have while in your employ, the total sum of \$\_\_\_\_\_ (plus interest at eight per cent (8%) per annum on the unpaid balance) payable at \$\_\_\_\_\_ PER (week/month/paycheck) and to disburse the same to the Clerk of the Steuben Superior Court monthly, the first payment shall be made from earnings accrued in the first full payroll period following service of this assignment on you.

I understand that I can revoke this wage assignment at any time, by notifying the employer **in writing** of my wish to do so.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**Defendant**

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff(s)

**ORDER FOR WAGE ASSIGNMENT TO:**

VS.

\_\_\_\_\_  
EMPLOYER

Name \_\_\_\_\_ Defendant(s)  
Soc. Sec. – last four numbers: XXX-XX-\_\_\_\_-\_\_\_\_-\_\_\_\_  
Date of Birth: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Street Address \_\_\_\_\_  
\_\_\_\_\_  
City, State, Zip \_\_\_\_\_

Pursuant to stipulation of the parties, you are hereby ordered to execute the assignment of wages of \$\_\_\_\_\_ (plus interest at eight per cent (8%) per annum on the unpaid balance), payable at \$\_\_\_\_\_ PER (week/month/paycheck), until further order, to be disbursed by your employer monthly to the Clerk of the Superior Court, 55 South Public Square, Angola, Indiana 46703.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

**OPTIONAL EMPLOYER'S FEE ALLOWED BY INDIANA LAW**  
I.C. 24-4.5-5-105 states in part:

(5) An employer who is required to make deductions from an individual's disposable earnings pursuant to a garnishment order or series of orders arising out of the same judgment debt (excluding a judgment for payment of child support) may collect, as a fee to compensate the employer for making these deductions, an amount equal to the greater of twelve dollars (\$12) or three percent (3%) of the total amount required to be deducted by the garnishment order or series of orders arising out of the same judgment debt. If the employer chooses to impose a fee, the fee shall be allocated as follows:

- (a) One-half (1/2) of the fee shall be borne by the debtor, and that amount may be deducted by the employer directly from the employee's disposable earnings.
- (b) One-half (1/2) of the fee shall be borne by the creditor, and that amount may be retained by the employer from the amount otherwise due the creditor.

**NOTICE!:**

- 1) An employer cannot deduct from an employee's wages more than: twenty-five percent (25%) of the employee's disposable earnings for that week; or the amount by which the employee's disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage rate.
- 2) The employee can revoke this wage assignment at any time. This should be made in **WRITING**.
- 3) Checks to be made payable to the Clerk of the Court. Note on check the name of the employee and cause no. \_\_\_\_\_ (the number in the heading above). Send the check to: Clerk of the Court, 55 South Public Square, Angola, Indiana 46703

Copy to: \_\_\_\_\_ notice to: \_\_\_\_\_  
Plf. \_\_\_\_\_ RJO ENTERED  
Plf. aty. \_\_\_\_\_  
Def. \_\_\_\_\_  
Def. aty. \_\_\_\_\_  
Sheriff \_\_\_\_\_  
Garn.deft \_\_\_\_\_

Service by:  
DEFT #1 \_\_\_\_\_ DEFT #2 \_\_\_\_\_ GARN.DEFT \_\_\_\_\_  
Regular Mail ( ) Regular Mail ( ) Regular Mail ( )  
Certified Mail ( ) Certified Mail ( ) Certified Mail ( )  
Sheriff ( ) Sheriff ( ) Sheriff ( )  
hand del. ( ) hand del. ( ) hand del. ( )

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

vs.

\_\_\_\_\_  
*Defendant(s)*

**MOTION TO DISMISS**  
**PROCEEDINGS SUPPLEMENTAL**

Plaintiff, (by counsel,) moves to (dismiss) vacate the proceedings supplemental.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*plaintiff*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff(s)*

vs.

\_\_\_\_\_  
*Defendant(s)*

**ORDER TO VACATE (DISMISS)**  
**PROCEEDINGS SUPPLEMENTAL**

Being duly advised, it is now **ORDERED** that the proceedings supplemental are vacated (dismissed), without prejudice. Hearing, if any, is also ordered vacated.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to:                      notice to:  
\_\_\_ Plif.                              \_\_\_\_\_  
\_\_\_ Plif. atty.                      \_\_\_\_\_  
\_\_\_ Def.                                \_\_\_\_\_  
\_\_\_ Def. atty.                      \_\_\_\_\_  
\_\_\_ Sheriff                            \_\_\_\_\_  
\_\_\_ Garn.def                        \_\_\_\_\_

\_\_\_\_\_ *RJO ENTERED*

Service by:		
DEFT #1	DEFT #2	GARN.DEFT
Regular Mail (____)	Regular Mail (____)	Regular Mail (____)
Certified Mail (____)	Certified Mail (____)	Certified Mail (____)
Sheriff (____)	Sheriff (____)	Sheriff (____)
hand del.(____)	hand del.(____)	hand del. (____)

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**MOTION TO CONTINUE**  
**TRIAL OR HEARING**

\_\_\_\_\_  
*defendant(s)*

Plaintiff(s)/Defendant(s), in person, (by counsel,) moves to continue the scheduled hearing to \_\_\_\_\_.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)/counsel*

Dated: \_\_\_\_\_

\_\_\_\_\_  
*defendant(s)/counsel*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**ORDER AND NOTICE**  
**ON MOTION TO CONTINUE**  
**TRIAL OR HEARING**

( ) Being duly advised, it is now **ORDERED** that the hearing be continued to set for:

\_\_\_\_\_, at \_\_\_\_\_ .m.,

at which time you are ordered to be present. Failure of a party to appear may result in default.

( ) Motion to continue is denied. Cause remains set for previously scheduled hearing.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to:	notice to:
___ Plf.	_____
___ Plf. aty.	_____
___ Def.	_____
___ Def. aty.	_____
___ Sheriff	_____
___ Garn. def.	_____

Service by:	DEFT #2	GARN.DEFT
DEFT #1	Regular Mail ( )	Regular Mail ( )
Regular Mail ( )	Certified Mail ( )	Certified Mail ( )
Certified Mail ( )	Sheriff ( )	Sheriff ( )
Sheriff ( )	hand del. ( )	hand del. ( )
hand del. ( )		

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

**AFFIDAVIT AND INFORMATION**  
**FOR CITATION OF CONTEMPT**  
**(RULE TO SHOW CAUSE)**

vs.  
\_\_\_\_\_  
*defendant(s)*

I, \_\_\_\_\_, hereby affirm, under the penalty for perjury, that the following representations are true, to-wit:

(1) I am a party to these proceedings, an agent acting on behalf of a party to these proceedings, or an attorney for a party to these proceedings.

(2) The (Plaintiff/Petitioner/Defendant/Respondent), \_\_\_\_\_  
(address for service: \_\_\_\_\_), willfully or intentionally violated an order of this Court dated \_\_\_\_\_, \_\_\_\_\_, by committing or failing to commit the following act:

a. appear as ordered for a hearing to take place on \_\_\_\_\_, \_\_\_\_\_;

or

b. \_\_\_\_\_  
\_\_\_\_\_

(3) The act or failure to so act is in contempt of the orders of this Court.

Dated: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
(attorney for:) Plaintiff/Petitioner/Defendant/Respondent

PRINTED NAME: \_\_\_\_\_

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

**CITATION OF CONTEMPT**  
**(RULE TO SHOW CAUSE)**

vs.

\_\_\_\_\_  
*defendant(s)*

You are hereby ordered to show such cause as you may have as to why you should not be punished for your failure to abide by the orders of the Court as set out in the Plaintiff's Affidavit and Information for Citation of Contempt (Rule to Show Cause).

A hearing on your Rule to Show Cause is set for:

\_\_\_\_\_, at \_\_\_\_\_ .m.,

at which time you are ordered to be present. Your failure to appear for the hearing on the Rule to Show Cause may result in a body attachment or a warrant being issued for your arrest.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

**Sheriff's Service**

I hereby certify that I did personally deliver a true and correct copy of the above Rule to Show Cause to the defendant(s) on \_\_\_\_\_, 2\_\_\_\_\_.

\_\_\_\_\_  
Deputy Sheriff

Copy to: notice:  
\_\_\_ Plif. \_\_\_\_\_  
\_\_\_ Plif. atty. \_\_\_\_\_  
\_\_\_ Deft. \_\_\_\_\_  
\_\_\_ Deft. atty. \_\_\_\_\_  
\_\_\_ Sheriff \_\_\_\_\_  
\_\_\_ Garn. deft \_\_\_\_\_

Service by:  
DEFT #1 DEFT #2 GARN.DEFT  
Regular Mail ( ) Regular Mail ( ) Regular Mail ( )  
Certified Mail ( ) Certified Mail ( ) Certified Mail ( )  
Sheriff ( ) Sheriff ( ) Sheriff ( )  
hand del. ( ) hand del. ( ) hand del. ( )

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**VERIFIED MOTION FOR ISSUANCE  
OF A BODY ATTACHMENT WARRANT**

\_\_\_\_\_  
*defendant(s)*

name: \_\_\_\_\_ social security number: XXX-XX-\_\_\_\_\_  
(last 4 digits only)

address: \_\_\_\_\_ date of birth: \_\_\_\_\_  
\_\_\_\_\_

Plaintiff appears (\_\_\_\_\_) by counsel (\_\_\_\_\_) in person and moves the Court for the issuance of a body attachment against the Defendant and states as follows under oath:

1. The Defendant failed to appear in the Steuben Superior Court (or before the Magistrate) for a hearing on a Rule to Show Cause set for \_\_\_\_\_ and I did not advise the Defendant not to appear at said hearing nor has the judgment been paid. The balance of the judgment and court costs is approximately \$\_\_\_\_\_.

2. I agree to immediately advise the Court if the defendant contacts me and a settlement is reached, pays the judgment, or if the body attachment is no longer necessary.

3. Bond is requested in the amount of \$\_\_\_\_\_ (not more than \$500.00).

I swear or affirm under the penalty of perjury that the foregoing representations are true.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)/counsel*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**ORDER FOR**  
**BODY ATTACHMENT WARRANT**

\_\_\_\_\_  
*defendant(s)*

name: \_\_\_\_\_ social security number: XXX-XX-\_\_\_\_\_  
(last 4 digits only)

address: \_\_\_\_\_ date of birth: \_\_\_\_\_  
\_\_\_\_\_

Plaintiff files Verified Motion for Issuance of a Body Attachment. Motion is granted. A Body Attachment Warrant is hereby issued against the Defendant(s)/Respondent(s):

\_\_\_\_\_  
(fill in the name of person to be arrested)

Bond is set in the amount of \$\_\_\_\_\_. (\_\_\_\_\_) cash only or (\_\_\_\_\_) cash or surety.

**So ordered.**

**Dated:** \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to: notice to: \_\_\_\_\_ RJO ENTERED  
\_\_\_\_ Plif. \_\_\_\_\_  
\_\_\_\_ Plif. atty. \_\_\_\_\_  
\_\_\_\_ Deft. \_\_\_\_\_  
\_\_\_\_ Deft. atty. \_\_\_\_\_  
\_\_\_\_ Sheriff \_\_\_\_\_  
\_\_\_\_ Garn. deft \_\_\_\_\_

Service by:  
DEFT #1 DEFT #2 GARN.DEFT  
Regular Mail (\_\_\_\_) Regular Mail (\_\_\_\_) Regular Mail (\_\_\_\_)  
Certified Mail (\_\_\_\_) Certified Mail (\_\_\_\_) Certified Mail (\_\_\_\_)  
Sheriff (\_\_\_\_) Sheriff (\_\_\_\_) Sheriff (\_\_\_\_)  
hand del. (\_\_\_\_) hand del. (\_\_\_\_) hand del. (\_\_\_\_)

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

## PLAINTIFF'S MOTION

Plaintiff appears. Defendant  appears  fails to appear. Plaintiff will be filing additional motions.

Plaintiff moves to take this case off docket.

Plaintiff moves to continue the hearing in this case in order to allow the Defendant(s) time to continue or resume regular payments. The Defendant(s)  appear  do(es) not appear.

Service not having been perfected, the Plaintiff moves the Court to allow 60 days to obtain service.

Plaintiff moves the Court to order cash bond posted in this matter to be released to the Plaintiff and applied on the outstanding judgment.

Plaintiff moves the Court to: \_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
*plaintiff*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**ORDER ON  
PLAINTIFF'S MOTION**

\_\_\_\_\_  
*defendant(s)*

Plaintiff's motion to take this case off docket is granted.

Plaintiff motion to reset the hearing is granted. Hearing is now set for:

\_\_\_\_\_, at \_\_\_\_\_ .m.,

at which time the parties are ordered to be present.

The Plaintiff is allowed 60 days to perfect service. Failure to obtain service within said time will result in dismissal of all pending motions pursuant to TR41(E) without further notice.

Plaintiff motion to apply cash bond on the judgment is granted. The Clerk is directed to release the cash bond previously posted in this matter to the Plaintiff.

Plaintiff may file additional pleadings.

\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to:  
\_\_\_ Plf.  
\_\_\_ Plf. atty.  
\_\_\_ Deft.  
\_\_\_ Deft. atty.  
\_\_\_ Sheriff  
\_\_\_ Garn. deft

notice to:  
\_\_\_\_\_  
\_\_\_\_\_ RJO ENTERED  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Service by:

DEFT #1	DEFT #2	GARN.DEFT
Regular Mail ( )	Regular Mail ( )	Regular Mail ( )
Certified Mail ( )	Certified Mail ( )	Certified Mail ( )
Sheriff ( )	Sheriff ( )	Sheriff ( )
hand del. ( )	hand del. ( )	hand del. ( )

STATE OF INDIANA        )  
                                  ) §:  
COUNTY OF STEUBEN    )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**STATEMENT OF COLLECTION/  
RELEASE OF JUDGMENT  
AND RELEASE OF ANY WAGE  
ASSIGNMENT OR GARNISHMENT**

The plaintiff(s)/defendant(s), by counsel, advise(s) the Court that the judgment in the above cause has been paid in full and/or settled in some way. Any judgment should be released by the clerk.

(CHECK IF APPLICABLE)

A Wage Assignment and/or Garnishment order exists in this cause. The Court should terminate and vacate such wage assignment or garnishment forthwith.

I swear or affirm under the penalty of perjury that the foregoing representations are true.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s) and/or counsel*

\_\_\_\_\_  
*defendant(s) and/or counsel*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs

**ORDER FOR RELEASE OF WAGE  
ASSIGNMENT OR GARNISHMENT**

\_\_\_\_\_  
*defendant(s)*

Plaintiff(s)/Defendant(s), by counsel, file(s) Statement of Collection showing payment in full pursuant to SC 11(D). Any pending hearing is vacated.

**GARNISHMENT/WAGE ASSIGNMENT IS TERMINATED AND RELEASED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to:  
\_\_\_ Plif.  
\_\_\_ Plif. atty.  
\_\_\_ Deft.  
\_\_\_ Deft. atty.  
\_\_\_ Sheriff  
\_\_\_ Garn.deft

notice to:  
\_\_\_\_\_  
\_\_\_ *RJO ENTERED*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Service by:		
DEFT #1	DEFT #2	GARN.DEFT
Regular Mail (____)	Regular Mail (____)	Regular Mail (____)
Certified Mail (____)	Certified Mail (____)	Certified Mail (____)
Sheriff (____)	Sheriff (____)	Sheriff (____)
hand del. (____)	hand del. (____)	hand del. (____)

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**VERIFIED MOTION TO SET  
ASIDE DEFAULT JUDGMENT**

\_\_\_\_\_  
*defendant(s)*

Comes now \_\_\_\_\_ and being duly sworn upon oath and subject to the penalties for perjury moves the Court to set aside the default judgment entered against said party on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_; and in support of this motion shows the Court as a good reason as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_  
(attorney for:) Plaintiff/Petitioner/Defendant/Respondent

PRINTED NAME: \_\_\_\_\_

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**ORDER ON VERIFIED MOTION TO SET  
ASIDE DEFAULT JUDGMENT**

*The Court, being duly advised, now:*

( ) denies the Motion to Set Aside Default Judgment;

Or

( ) grants the Motion to Set Aside Default Judgment. The judgment is vacated and set aside.

AND:

( ) The Court reschedules this action for trial or hearing set for:

\_\_\_\_\_, at \_\_\_\_\_ .m.,

at which time you are ordered to be present.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to:

\_\_\_ Plf.  
\_\_\_ Plf. atty.  
\_\_\_ Deft.  
\_\_\_ Deft. atty.  
\_\_\_ Sheriff  
\_\_\_ Garn. deft

notice to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ *RJO ENTERED*

Service by:

DEFT #1

Regular Mail ( )  
Certified Mail ( )  
Sheriff ( )  
hand del. ( )

DEFT #2

Regular Mail ( )  
Certified Mail ( )  
Sheriff ( )  
hand del. ( )

GARN.DEFT

Regular Mail ( )  
Certified Mail ( )  
Sheriff ( )  
hand del. ( )

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**SUBPOENA**

\_\_\_\_\_  
*defendant(s)*

**TO:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Service by:**  
 Sheriff of \_\_\_\_\_ County, Indiana  
 Certified Mail  
 Other: \_\_\_\_\_

*YOU ARE HEREBY COMMANDED to appear in the Magistrate's Courtroom / Steuben Superior Court / Steuben Circuit Court (strike inapplicable courtroom) in the Steuben County Courthouse, City of ANGOLA, Indiana on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at at \_\_\_\_\_ .m. to testify at the request of \_\_\_\_\_ in the above entitled action.*

*(strike out the following if inapplicable.)*

*AND HAVE WITH YOU:*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Clerk, Steuben Circuit/Superior Courts

\_\_\_\_\_  
*Plaintiff/Defendant/Attorney*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*City, State, Zip Code*

\_\_\_\_\_  
*Phone No.*

**NOTE: Any witness is entitled to mileage and witness fees as allowed by Indiana Law.**

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs

**AFFIDAVIT OF DEBT**  
Pursuant to Small Claim Rule 2(B)(4)(b)

\_\_\_\_\_  
*defendant(s)*

Comes now affiant, and states:

I \_\_\_\_\_ am  Plaintiff OR  a designated full-time employee of \_\_\_\_\_.  
*(Name of Affiant)* *(Name of Plaintiff)*

I am of adult age and am fully authorized by Plaintiff to make the following representations. I am familiar with the record keeping practices of Plaintiff. The following representations are true according to documents kept in the normal course of Plaintiff's business and/or my personal knowledge:

Plaintiff:

- is the original owner of this debt and evidence of the debt, as required in Rules 2(B)(4)(a) and (b) is attached as one or more Exhibits to this Affidavit. OR  
 has obtained this debt from \_\_\_\_\_ and the original owner of this debt was \_\_\_\_\_

\_\_\_\_\_  
Evidence of the debt, as required in Rule 2(B)(4)(c) is attached as one or more Exhibits to this Affidavit.

\_\_\_\_\_, Defendant, has an unpaid balance of \$\_\_\_\_\_ on account \_\_\_\_\_.  
*(Name of Defendant)* *(last 4 digits of number or id only)*

That amount is due and owing to Plaintiff. This account was opened on \_\_\_\_/\_\_\_\_/\_\_\_\_. The last payment from Defendant was received on \_\_\_\_/\_\_\_\_/\_\_\_\_ in the amount of \$\_\_\_\_\_.

The type of account is:

- Credit card account (i.e. Visa, Mastercard, Department Store, etc.)  
    ▪ List the name of the Company/Store issuing credit card: \_\_\_\_\_  
 Account for utilities (i.e. telephone, electric, sewer, etc.)  
 Medical bill account (i.e. doctor, dentist, hospital, etc.)  
 Account for services (i.e. attorney fees, mechanic fees, etc.)  
 Judgment issued by a court (a copy of the judgment is required to be attached)  
 Other: (Please explain): \_\_\_\_\_

This account balance includes:

- Late fees in the amount of \$\_\_\_\_\_ as of \_\_\_\_/\_\_\_\_/\_\_\_\_ (Month, Day, Year)  
 Other (Explain \_\_\_\_\_)  
 Interest at a rate of \_\_\_\_\_% beginning on \_\_\_\_/\_\_\_\_/\_\_\_\_ (Month, Day, Year)

Plaintiff:

- is seeking attorney's fees and additional evidence will be presented to the court prior to entry of judgment on attorney's fees. OR  
 is not seeking attorney's fees.

Plaintiff believes defendant is not a minor or an incompetent individual. If the defendant is an individual, plaintiff states and declares that:

- Plaintiff is unable to determine whether or not Defendant is not on active military service. OR  
 Defendant is not on active military service. Plaintiff's statement that Defendant is not on active military service is based upon the following facts: \_\_\_\_\_

("Active military service" includes fulltime duty in the military (including the National Guard and reserves) and, for members of the National Guard, service under a call to active service authorized by the President or Secretary of Defense. For further information, see the definition of "military service" in the Servicemembers Civil Relief Act, as amended, 50 U.S.C.A. Appx. § 521.)

I swear or affirm under the penalties of perjury that the foregoing representations are true.

Dated: \_\_\_\_\_ Signature of Affiant: \_\_\_\_\_  
Printed name & title \_\_\_\_\_

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**AFFIDAVIT FOR**  
**POSSESSION OF REAL ESTATE**

I, \_\_\_\_\_, hereby affirm, under the penalty for perjury, that the following representations are true, to-wit:

(1) I/We am the owner of property situated at \_\_\_\_\_, \_\_\_\_\_, Steuben County, Indiana.

Said property is now occupied by the defendant(s): \_\_\_\_\_, who now occupy the property wholly without right after having received due notice to vacate said premises on \_\_\_\_\_, 2\_\_\_\_.

(2) The property has a reasonable rental value of \$\_\_\_\_\_ per (month/week).

(3) The defendant(s) is/are delinquent in the in the amount of \$\_\_\_\_\_.

(4) I believe that the defendant(s) will do irreparable damage to the property in the form of waste unless the defendant(s) is/are restrained from doing so.

(5) The Court should hold a hearing in order to protect said premises from irreparable damage.

**Dated:** \_\_\_\_\_

SIGNATURE:

\_\_\_\_\_  
Property Owner

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

**COMPLAINT FOR POSSESSION -  
NONPAYMENT OF RENT**

\_\_\_\_\_  
*defendant(s)*

Plaintiff complains as follows:

(1) On \_\_\_\_\_, 2\_\_\_\_\_, (I, We) rented and leased to the defendant(s) the following described property located in Steuben County, Indiana, to-wit:

\_\_\_\_\_  
(address)

(2) The defendant(s) took possession of the property and still occupies the same.

(3) The defendant(s) paid rent as it was due, until the installment due on \_\_\_\_\_, 2\_\_\_\_\_. Thereafter, said installment and each one following are wholly unpaid.

(4) On \_\_\_\_\_, 2\_\_\_\_\_, I / we (notified/did not notify) defendant(s) in writing to surrender possession of the premises ten (10) days from the time of receiving said notice, unless the rent then due was paid in full within said time.

(5) The defendant(s) has/have not paid the rent or any part of it, and have not delivered possession of the property.

(6) The notice to surrender has expired, and the defendant(s) has/have unlawfully held over and detained possession of the premises from the plaintiff(s).

The Plaintiff prays for judgment of \$ \_\_\_\_\_ plus court cost, for possession of said real estate, and for all other relief just and proper.

Dated: \_\_\_\_\_

SIGNATURE:

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**AGREED JUDGMENT  
FOR POSSESSION**

Defendant(s) Names(s): \_\_\_\_\_

Address: \_\_\_\_\_  
*street City State Zip*

Telephone: \_\_\_\_\_  
*area code number*

Social Security Number: XXX-XX-\_\_\_\_ Date of Birth: \_\_\_\_\_

The parties to this action have settled the matters at issue as follows and request the Court to enter judgment as follows:

*The Plaintiff(s) shall have a judgment for possession of the property located at \_\_\_\_\_, Steuben County, Indiana.*

*The judgment for possession shall commence on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ m. A final hearing to assess damages and past due rent, if any (SHOULD/SHOULD NOT) be scheduled.*

**We swear or affirm under the penalty of perjury that the foregoing is true.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
*plaintiff*

\_\_\_\_\_  
*defendant*

\_\_\_\_\_  
*plaintiff*

\_\_\_\_\_  
*defendant*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**JUDGMENT FOR POSSESSION**  
**OF REAL ESTATE**

The parties having filed their agreed judgment for possession, and the Court being advised thereof, the Plaintiff(s) is/are granted possession of the property located \_\_\_\_\_, Steuben County, Indiana. The judgment for possession shall commence on \_\_\_\_\_, at \_\_\_\_\_ .m.

A final hearing to assess damages and past due rent, if any, is set for:

\_\_\_\_\_, at \_\_\_\_\_ .m.,

at which time you are ordered to be present. The parties are advised that should they fail to appear, they may be defaulted.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to:                      notice to: \_\_\_\_\_ *RJO ENTERED*  
\_\_\_\_ *plf.*                              \_\_\_\_\_  
\_\_\_\_ *plf. atty.*                      \_\_\_\_\_  
\_\_\_\_ *def.*                              \_\_\_\_\_  
\_\_\_\_ *def. atty.*                      \_\_\_\_\_  
\_\_\_\_ *Sheriff*                              \_\_\_\_\_

Service by:                      DEFT #2                      GARN.DEFT  
DEFT #1                      Regular Mail (\_\_\_\_)                      Regular Mail (\_\_\_\_)  
Regular Mail (\_\_\_\_)                      Certified Mail (\_\_\_\_)                      Certified Mail (\_\_\_\_)  
Certified Mail (\_\_\_\_)                      Sheriff (\_\_\_\_)                      Sheriff (\_\_\_\_)  
Sheriff (\_\_\_\_)                      hand del.(\_\_\_\_)                      hand del. (\_\_\_\_)  
hand del.(\_\_\_\_)                      hand del.(\_\_\_\_)                      hand del. (\_\_\_\_)

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**AFFIDAVIT FOR JUDGMENT  
OF POSSESSION BY DEFAULT**

The plaintiff(s) state(s) that to the best of its (his/her/their) knowledge:

1. That service of the Notice of Claim was had under such circumstances as to establish a reasonable probability that the defendant(s) received such notice.
2. That the defendant(s) is/are not in the military service of the United States, nor incompetent, nor is/are under a legal disability and that the defendant(s) has/have sufficient understanding to realize the nature and effect of the Notice of Claim.
3. That the defendant(s) has/have not appeared or answered the Notice of Claim herein filed
4. That Plaintiff has submitted an Affidavit for Possession, and submits the same as evidence and includes the same herewith as part of this Affidavit.

That the plaintiff(s) is/are entitled to a judgment against defendant(s) for possession of the property located at \_\_\_\_\_, \_\_\_\_\_, Steuben County, Indiana. A final hearing to assess damages and past due rent, if any (should/should not) be scheduled.

I swear or affirm under the penalty of perjury that the foregoing representations are true.

Dated: \_\_\_\_\_

\_\_\_\_\_  
*Plaintiff*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**JUDGMENT OF  
POSSESSION BY DEFAULT**

Plaintiff(s) make(s) proof of service of Notice of Claim on defendant(s). Defendant(s) is/are called and defaulted, cause submitted and evidence heard, finding and judgment for plaintiff(s) and against defendant(s) for possession of the real property located at \_\_\_\_\_, Steuben County, Indiana. The judgment for possession shall commence on \_\_\_\_\_, at \_\_\_\_\_ .m.,

A final hearing to assess damages and past due rent, if any, is set for:

\_\_\_\_\_, at \_\_\_\_\_ .m.,

at which time you are ordered to be present. The parties are advised that should they fail to appear, they may be defaulted.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to: notice to: \_\_\_\_\_ RJO ENTERED  
\_\_\_\_ plf. \_\_\_\_\_  
\_\_\_\_ plf. atty. \_\_\_\_\_  
\_\_\_\_ def. \_\_\_\_\_  
\_\_\_\_ def. atty. \_\_\_\_\_  
\_\_\_\_ Sheriff \_\_\_\_\_

Service by: DEFT #1 DEFT #2 GARN.DEFT  
Regular Mail ( ) Regular Mail ( ) Regular Mail ( )  
Certified Mail ( ) Certified Mail ( ) Certified Mail ( )  
Sheriff ( ) Sheriff ( ) Sheriff ( )  
hand del.( ) hand del.( ) hand del. ( )

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

**AFFIDAVIT FOR FORCED  
EVICTON (WRIT OF ASSISTANCE)**

The plaintiff(s) state(s) that to the best of its (his/her/their) knowledge:

1. On \_\_\_\_\_, \_\_\_\_\_, the Court entered an order for possession of certain real estate with the physical address of: \_\_\_\_\_, Steuben County, Indiana.
2. The Court's order required that the defendant(s) surrender possession of the said real estate on or before \_\_\_\_\_, \_\_\_\_\_ at 12:00 o'clock noon.
3. The defendant(s) has/have failed to surrender said real estate or refuse to do so, and still occupy said real estate, in whole or in part.
4. The Plaintiff requests the assistance of the Sheriff of Steuben County to enforce the order of the Court and to secure possession of the real estate.

**I swear or affirm under the penalty of perjury that the foregoing representations are true.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
*plaintiff*

STATE OF INDIANA )  
 ) §:  
COUNTY OF STEUBEN )

IN THE STEUBEN SUPERIOR COURT  
SMALL CLAIMS DIVISION  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
*plaintiff(s)*

vs.

\_\_\_\_\_  
*defendant(s)*

## WRIT OF ASSISTANCE

The Plaintiff(s) own/owns an order for possession. The Court finds sufficient proof that the defendant(s) has/have failed to follow said order by failing to surrender possession of said real estate to the Plaintiff(s). The defendant(s) is/are ordered to immediately and forthwith surrender to the Plaintiff(s) the real estate being located at:

\_\_\_\_\_

Steuben County, Indiana. Such surrender shall be in the presence of and with the assistance of the Sheriff of Steuben County. The Sheriff shall remove and further exclude the defendant(s) from any further occupancy of the same.

Dated: \_\_\_\_\_

\_\_\_\_\_  
**James W. Burns, Magistrate**

Copy to:  
\_\_\_\_ *plif.*  
\_\_\_\_ *plif. atty.*  
\_\_\_\_ *def.*  
\_\_\_\_ *def. atty.*  
\_\_\_\_ *Sheriff*

notice to: \_\_\_\_\_  
\_\_\_\_\_ *RJO ENTERED*  
\_\_\_\_\_  
\_\_\_\_\_

Service by:  
DEFT #1                      DEFT #2                      GARN.DEFT  
Regular Mail (\_\_\_\_)      Regular Mail (\_\_\_\_)      Regular Mail (\_\_\_\_)  
Certified Mail (\_\_\_\_)      Certified Mail (\_\_\_\_)      Certified Mail (\_\_\_\_)  
Sheriff (\_\_\_\_) Sheriff (\_\_\_\_) Sheriff (\_\_\_\_)  
hand del.(\_\_\_\_)              hand del.(\_\_\_\_)              hand del. (\_\_\_\_)